

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 18745) in relation to the location of a navigable channel of the Calumet River in Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER: A bill (H. R. 18746) to provide revenue for the Government by increasing the tax on incomes and reducing the amount of exemptions; to the Committee on Ways and Means.

By Mr. KEATING: A bill (H. R. 18747) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on the Public Lands.

By Mr. BUCHANAN of Illinois: Joint resolution (H. J. Res. 345) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 18748) granting a pension to Eugene G. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18749) granting an increase of pension to Fritz Voth; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 18750) granting an increase of pension to Washington A. Coon; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18751) granting a pension to James P. Merrifield; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 18752) for the relief of Finis M. Williams; to the Committee on Military Affairs.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18753) granting a pension to John K. Collins; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 18754) granting an increase of pension to Samuel I. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18755) granting an increase of pension to Philip H. Sipe; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 18756) for the relief of Mollie H. Pumphrey; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 18757) granting a pension to Nichol L. Nelson; to the Committee on Pensions.

By Mr. WHITACRE: A bill (H. R. 18758) granting a pension to Charles H. Muncaster; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18759) for the relief of Samuel Gorman; to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 18760) for the relief of the heirs of Granville Pierce; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of citizens of Saxton, Pa., and Liberty Township, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of citizens of Lockwood, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of A. R. Champney, Elyria, Ohio, against tax on "soft drinks"; to the Committee on Ways and Means.

Also, petition of citizens of the nineteenth Ohio district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BELL of California: Petition of Holy Cross Court, No. 1292, Catholic Order of Foresters, Los Angeles, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. BRODBECK: Petition of Federation of Trades Unions, York, Pa., against exportation of breadstuffs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of United Hatters of North America, Local No. 8, Brooklyn, N. Y., favoring House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of F. V. Smith (Inc.), New York, and De La Vergne Machine Co., New York, against House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Local Union 132, Cigarmakers' Union of America, against further tax on cigars; to the Committee on Ways and Means.

Also, petition of G. F. Kalkhoff, New York, against H. R. 17363; to the Committee on the Post Office and Post Roads.

Also, petition of Northern Lumber Co. and Board of Trade, North Tonawanda, N. Y., favoring river and harbor bill; to the Committee on Rivers and Harbors.

Also, petition of Memorial Baptist Church, Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of D. R. K. Staatsverband, of New York State, against national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of Liquor Dealers' Protective League of New Jersey, against further tax on whisky; to the Committee on Ways and Means.

Also, petition of National Mineral Water Co., of West New York, United Bottling Co., of Union, and Fred Helmke, of Hoboken, all in the State of New Jersey, against proposed tax on "soft drinks"; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of 200 citizens of Waterloo, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petition of C. Vincent, Omaha, Nebr., against exportation of foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of 45 merchants of Arlington, Benson, Papillion, Herman, Fort Calhoun, Kennard, Florence, Valley, Millard, Bennington, Blair, and Waterloo, Nebr., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of John L. Porter, Pittsburgh, Pa., against House bill 17363, relative to use of mails in effecting insurance on persons, etc.; to the Committee on the Post Office and Post Roads.

Also (by request), petition of City Council of Pittsburgh, Pa., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. PLUMLEY: Petition of 19 citizens of West Wardsboro, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. PROUTY: Petition of citizens of Woodward, Ankeny, Huxley, Kelley, and Granger, Iowa, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. THOMAS: Petition of 400 citizens of Greenville, Ky., favoring national prohibition; to the Committee on Rules.

## SENATE.

SATURDAY, September 12, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

THE PEOPLE'S BANKS IN AMERICA (S. DOC. NO. 580).

Mr. FLETCHER. I ask unanimous consent, out of order, to submit a unanimous report from the Committee on Printing, and I ask for its consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 453), which was considered by unanimous consent and agreed to:

*Resolved*, That the manuscript submitted by Mr. FLETCHER on June 26, 1914, entitled "The People's Banks in North America," by H. Mitchell, M. A., department of public and economic science, Queen's University, Kingston, Ontario, be printed as a Senate document.

MARKETING OF FARM PRODUCTS (S. DOC. NO. 579).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 454), which was considered by unanimous consent and agreed to:

*Resolved*, That the manuscript entitled "Marketing of Farm Products," by David Lubin, United States delegate to the International Institute of Agriculture, be printed as a Senate document.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. SIMMONS. I call for the regular order.

Mr. MARTINE of New Jersey. Will the Senator from North Carolina desist for just one moment?

Mr. SIMMONS. If it is simply the introduction of a bill I will not object.

Mr. MARTINE of New Jersey. I ask unanimous consent for the consideration of Senate bill 6454, which was introduced by the Senator from California [Mr. PERKINS], and which I report favorably from the Committee on Industrial Expositions, every member of the committee in the city agreeing to the report. It is a bill to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.

Mr. SMOOT. Is it a House bill?

Mr. MARTINE of New Jersey. No; it is a Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Government Exhibit Board, created by the sundry civil act approved June 23, 1913, is hereby authorized to install, display, and maintain any part or parts of the exhibit of the United States Government at the Panama-Pacific International Exposition in the exhibit palaces provided by the Panama-Pacific International Exposition Co. or in the Government building provided for in the sundry civil act approved August 1, 1914, as the said Government Exhibit Board may determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DEVELOPMENT OF THE WEST.

Mr. ASHURST. Mr. President, I ask the attention especially of Senators who are members of the Joint Committee on Printing. I desire to have printed as a Senate document a series of articles, rather two articles, on western topics, by Hon. FRANCIS G. NEWLANDS, United States Senator from Nevada. One is an article which appeared in the Pacific Monthly for September, 1906, entitled "National Irrigation as a Social Problem." The other appeared in the Youth's Companion in 1911 and is entitled "Dry Farming." They are very interesting, and there is a great demand for these articles. I hope the Committee on Printing will take a favorable view of it in order to print them as a public document.

Mr. SMOOT. The Senator asks that the articles be referred to the Committee on Printing?

Mr. ASHURST. Yes; let the reference be made.

The VICE PRESIDENT. Without objection, they will go to the Committee on Printing.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I call for the regular order.

The VICE PRESIDENT. The Senator from North Carolina demands the regular order, and House bill 13811, the unfinished business, is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMOOT. Mr. President, I suppose many Senators were not aware that this bill would come up at 11 o'clock. I think there ought to be a quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Perkins	Smoot
Bankhead	Jones	Pomerene	Stone
Brady	Kenyon	Ransdell	Swanson
Bristow	Lane	Reed	Thomas
Burton	Lea, Tenn.	Robinson	Thornton
Camden	Lee, Md.	Saulsbury	Vardaman
Chamberlain	McCumber	Shafroth	West
Clapp	Martine, N. J.	Sheppard	White
Fall	Myers	Simmons	
Fletcher	Nelson	Smith, Ga.	
Gallinger	Page	Smith, Mich.	

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM], and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. CRAWFORD, Mr. SHIELDS, and Mr. WALSH answered to their names when called.

Mr. OVERMAN, Mr. NORRIS, Mr. CHILTON, and Mr. CULBERSON entered the Chamber and answered to their names.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

Mr. KERN entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, when I occupied the floor a few days ago to discuss the river and harbor bill I invited interruptions, which were frequently made, and which served to make the discussion more interesting than it otherwise would have been. This morning I renew the invitation to my associates to interrupt me at any point in the discussion.

Since I yielded the floor on Wednesday last two circumstances have happened that have interested me. One was that my associates have furnished me with quite a collection of pictures, which are supposed to represent the senior Senator from New Hampshire. As I looked at the picture I was reminded of a circumstance which occurred to a Member of this body a good many years ago, the distinguished Senator from Vermont, Mr. EDMUNDS, who, on a certain occasion, was handed by his wife a newspaper containing an alleged picture of that distinguished man. He looked it over carefully and handed it back and said, "Wife, that is the unkindest cut of all."

The other circumstance which has happened I find chronicled in the newspapers during the last three or four days, and that is that the proponents of this bill have come to the conclusion that it ought to be treated as we treat our apple trees in New Hampshire—that is, pruned; that they should cut out, as some newspapers say, one-half of the appropriation and put the bill in such shape that there will be some reason for the Senate passing it.

I notice with some degree of interest in this connection that the proposition is to take out the appropriation for Boston Harbor, and I suppose, having taken out that large appropriation for one of the greatest harbors in the country, the mud flats and the trout streams and the catfish creeks that are now provided for in the bill will be allowed to remain, because the appropriations are not very large.

For myself, Mr. President, I want to say that I trust those who are opposed to this bill will not agree to a pruning process that does not protect the large harbors and the large rivers of the country to the exclusion of smaller appropriations for worthless streams that are scattered all through the bill. I may not be present, Mr. President, when the vote is taken on this bill, but I make that suggestion for the benefit of those who are cooperating with me in trying to make the bill one that the country will approve of.

In that connection I want to say, Mr. President, for the benefit of the friends of the measure as it stands, that if they have read the great metropolitan newspapers of the country during the last 10 days they must have had considerable enlightenment along the line of disapproval on the part of those great journals of this bill as it stands at the present moment.

When I yielded the floor on Wednesday last I was discussing the activities of certain distinguished men in public life to create sentiment in behalf of the bill that we are now considering. I called attention to the contribution that Hon. BENJAMIN G. HUMPHREYS, Representative in Congress from the State of Mississippi, had made on the subject, which the junior Senator from Louisiana [Mr. RANSDELL] had incorporated in the CONGRESSIONAL RECORD, and I also mentioned the fact that the distinguished Speaker of the House of Representatives had come to the rescue of the bill in a magazine article, which was also embalmed in the publication which records the doings of both Houses of Congress, and even the Chief of Engineers of the United States Army, Gen. KINGMAN, has added his voice to the propaganda which might well have been omitted. In addition to the efforts of these three distinguished men we are being bombarded by letters, telegrams, and resolutions emanating from individuals and organizations, picturing the dire disaster that will result from the failure of this bill.

I recall an instance when a similar bill was defeated by the efforts of one Senator, and, so far as I was able to ascertain, no great harm came to the interests of the country as a result. If this bill shall not be materially amended I sincerely hope that it may be defeated, but I am optimistic enough to believe that those who are advocating its passage will see the propriety of removing from it many of the objectionable features to which the Senator from Ohio has called attention, and to which some of the rest of us will advert during this discussion. The easy way out of the controversy is for the proponents of the bill to admit frankly that it is full of objectionable items, and that it ought to be, in justice to the taxpayers of the country, rewritten in many important particulars. As I said before, if this shall be done the bill can then be passed in a single hour, while if it is insisted upon in its present form it will have to run the gantlet of a long and possible acrimonious discussion.

In this connection I was interested in reading in the Washington Post of a few mornings ago a statement that the senior Senator from North Carolina [Mr. SIMMONS] has come to the conclusion that the estimates should be revised, and that the



bill should be readjusted, and also that the President, while he has made no definite statement upon the subject, is understood to be in favor of reducing the proposed appropriations by from twenty to twenty-five millions of dollars. It is possible that the newspaper statement is not entirely accurate, but it certainly points the way to a wise solution of a very troublesome problem.

Mr. President, for many years I served on the Committee on Commerce, and while my own State did not share to an appreciable extent in the appropriations for river and harbor improvements, believing that the good in them overbalanced the bad, I voted for the bills; but the time has arrived for me to cast an adverse vote, as manifestly this bill has more bad in it than good.

I am fully aware of the fact that my vote will not defeat the bill, as we all understand the theory upon which it is framed, but I shall at least have the satisfaction of knowing that my consent has not been given to a measure which is, to my mind, full of indefensible and pernicious provisions. It is crowded to overflowing with subsidies of various kinds, a form of legislation which always shocks the consciences of certain Senators when applied to the shipping interests of the country.

Mr. President, I favor liberal appropriations, when properly applied, to the great navigable rivers of the country, and I also favor liberal appropriations for the improvement and maintenance of our harbors, notwithstanding the improvements, involving the expenditure of many millions of dollars annually, are in large part made for the benefit of the ships of foreign nations.

As I understand the matter, this bill carries, directly and indirectly, appropriations to the amount of almost \$100,000,000, and it is an annual bill, so that unless the extravagance is checked we will be appropriating at least that amount of money annually in the future for this purpose. In view of the fact that the Democratic Party declared in its national platform for the strictest economy, and also in view of the fact that the other appropriation bills are being subjected to the most rigid examination, with a view to saving a few dollars here and a few dollars there, it is inconceivable to me that this bill should receive the support of the other side of the Chamber. The amount of money appropriated for rivers and harbors this year is substantially as follows:

Direct appropriations in this bill.....	\$53,683,004
The sundry civil bill.....	6,990,000
	60,673,004
Under authorization.....	5,786,829
	66,459,833
Authorized in bill, but not appropriated for.....	32,897,871
Total.....	99,357,704

Mr. President, I have had something to do with the preparation of some of the appropriation bills in this body, and I recall with a good deal of interest the fact that a Democratic employee of the Senate, who has been here through a long series of years and has endeared himself to every Member on both sides of the Chamber, had a little claim for restitution on the part of the Government for land which had been taken from him, as some of us thought, unjustly, amounting, as it had been revised, to \$4,150; and yet we were held up in conference week after week on the ground that it was important to exercise the greatest possible care in the appropriation of the public money this year, because the revenues would probably not be sufficient to run the Government; and the conferees on the part of the Senate were compelled to yield the item, and the employee to whom I refer will not get his money. The enormous sum of \$4,150 was saved as a result.

An attempt was made to save a few thousand dollars in the matter of mileage; but notwithstanding that, and notwithstanding we were told time and time again in our conference meetings on appropriation bills that it was necessary to save a dollar here and a dollar there, because the expenditures were to be greater than the receipts, we are confronted by this bill carrying approximately \$100,000,000, when two-thirds of it, in my judgment, ought to be stricken out before it receives the assent of the Senate of the United States.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I know that the Senator from New Hampshire favors economy, and if a bill of this kind is to pass, is it not essential that just such economies as those to which he has referred be made and all these other matters be cut down in order that the expenditures of this bill may be met?

Mr. GALLINGER. It is absolutely essential.

Mr. KENYON. Then why does the Senator object to those economies?

Mr. GALLINGER. I do not object to them, but I am simply calling attention to the fact that our Democratic friends are very alert and very insistent upon saving a few dollars here and a few dollars there, while, on the other hand, they are ready to squander, as I think, in this bill \$30,000,000 that are not needed.

Mr. KENYON. They ought to have credit, of course, for whatever economies they practice.

Mr. GALLINGER. Oh, certainly.

Mr. KENYON. And is it not true, too, that they have practiced some economy on the waiters in the Senate restaurant?

Mr. GALLINGER. I understand that they have cut down their salaries to the starvation point; somebody has; I do not know who.

Mr. KENYON. That makes it easier to raise the money, of course, for the expenditures of the river and harbor bill.

Mr. GALLINGER. Yes; to that extent.

Mr. JONES. Mr. President—

Mr. GALLINGER. I yield to the Senator from Washington.

Mr. JONES. I ask the Senator from New Hampshire if he has noticed any very strenuous effort to cut down appropriations in the other appropriation bills?

Mr. GALLINGER. I have noticed as to certain small items that it has been warmly and persistently insisted that they were improper and ought to go out of such bills, but the large items always remain.

Mr. JONES. But the Senator would not term that a strenuous effort to hold appropriations down?

Mr. GALLINGER. No; I think not.

It will be remembered that a short time ago the senior Senator from North Carolina, who was then in charge of the bill, was so anxious to get to its consideration that he declined to permit us to consider the calendar for a single half hour. His effort resulted in saving 1 minute of the 30 minutes, which did that much toward getting this bill to the voting stage.

I do not wonder that the Senator from North Carolina is anxious to have the bill passed, for an examination of the measure shows that there are 22 items in the bill for that State alone, and 7 additional surveys have been provided for, which means that next year there will probably be some new projects entered upon.

The most casual examination of the bill reveals the fact that there are scores of appropriations in it which ought not to be allowed to remain; appropriations for little streams that, in the very nature of things, can not be regarded as of national importance or of being worthy of taking money from the people of the United States. In another body the suggestion was made, and the suggestion was made by a gentleman representing a southern congressional district, that some of these streams, in place of being improved for navigation, ought to be insured against fire, and there was a good deal of wisdom in the observation. It will be my purpose to-day to call attention to a few of the many unwise projects which are found scattered throughout the bill.

Taking up the CONGRESSIONAL RECORD, Mr. President, a little time ago, I glanced over the proceedings of the preceding day, on which I was unavoidably detained from the Senate, and I noticed that an interesting colloquy had occurred between the junior Senator from Iowa [Mr. KENYON] and the senior Senator from Michigan [Mr. SMITH] regarding Grand River, in the State of Michigan. There is no appropriation in this bill for that river, but it is interesting to see what has happened in the effort to make Grand River a navigable stream.

Grand River was reported upon by the Engineer Corps, who have been praised so loudly here, and, as a rule, so justly. An appropriation was made for it. I will not go back to the initial appropriation, but \$513,000 were expended on that river. The project has been abandoned. In 1912 there were 41,984 tons of commerce upon it, valued at \$91,284. Of this commerce 37,200 tons were gravel and sand and 3,600 tons were logs. The commerce decreased 7,734 tons from 1911, and in the Engineer's Report of 1913, which gave the coup de grace to this scheme, it is said:

The commerce involved must be stated as insignificant. There is no commerce on the 17.5 miles of improved river between Grand Rapids and Lamont, but between Lamont and Grand Haven, a distance of about 21 miles, a side-wheel steamer, with draft of 24 inches, has been in operation since July, 1911. Below Bass River three small tugs are engaged in towing gravel to Grand Haven. Two of these tugs run also to adjacent harbors on Lake Michigan. \* \* \* The improvement has no effect on freight rates, and it is improbable that it ever will have.

The gravel mentioned above was transported in scows and the logs in rafts.

Mr. President, that scheme has been abandoned, but before it was abandoned \$513,000 of the people's money was expended in an attempt to make the stream navigable.

I notice that my genial friend the senior Senator from Michigan, in his discussion with the Senator from Iowa, suggested that there was at one time a good deal of water in that stream, because he was almost drowned in it on a certain occasion. I was delighted to read the fact that the Senator had escaped, because if he had not escaped he would not have pronounced that delightful eulogium on me which he did the other day, and which I am hopeful may reelect me to the Senate.

Mr. SMITH of Michigan. Mr. President, I think the impersonal character of these remarks is such as to call for no defense of Michigan's greatest river. Since the Government ceased its appropriations for the Grand River, which was done at my request eight years ago because of the inadequate plan proposed by the engineers, the city of Grand Rapids upon this river has taxed itself and spent more than a million dollars in an effort to control the volume of that river within the limits of the bed of the stream. At times it has risen to a height of 16 feet, and when it does it threatens a large part of the lower portion of our city.

The very fact that no appropriations have been asked for it has been due to the inadequate plan finally suggested by the Board of Engineers. To say that the largest city of western Michigan and the second largest city in our State, located on the biggest river in Michigan and within 40 miles of the lake, should not have navigation, it seems to me, is trifling with a very serious and important question of internal development.

When I came to Congress 20 years ago I found the engineers' report here, and the work of improvement under way, our community thoroughly alive to the possibility of river and lake navigation, and, as a public servant, I secured the cooperation of my distinguished friend from Ohio [Mr. BURTON], who sits by my side, and the work of improvement was begun in a small way. We found that it cost about 16 cents a yard to get the material out, and so we provided an appropriation for a dredge to be built especially for that purpose, and reduced the cost to about 5 cents a yard.

The money which has been expended upon the river has not been lost. The river is still there in all its grandeur and with its possibilities unimpaired. I fancy that when our city has attained a population of half a million people, which is certain to result, it will be no farther away from the lake than it is now; the river will be as mighty as it is now, and our commerce will be many times greater than it is now, and at that time Congress will recognize the desirability of connecting this great manufacturing center with Lake Michigan, an outlet which is natural to it and to which the Senator from New Hampshire has again and again given his voluntary acquiescence.

Mr. BURTON. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. BURTON. No one can speak too highly of Grand Rapids as an energetic and growing city. I am free to admit that the eloquent and the very excellent reasons given by the Senator from Michigan caused me at one time to think favorably of this project. Before I was chairman of the House Committee on Rivers and Harbors, in the year 1896, a delegation came from Grand Rapids favoring it, made up of a splendid class of business men, noticeable not only for their ability but for their pulchritude—a very fine-looking lot of men—and there was no answering what they said. The committee, right away after listening to them, made an appropriation for the Grand River; but it has proved utterly disappointing, not so much because those men were mistaken at that time—nor should blame attach to the Senator from Michigan, it goes without saying, nor to myself—but because of a tendency of traffic to leave these waterways and resort to other means of transportation.

Later I shall call attention to a fact that was really surprising to me until I examined the statistics a few weeks ago, in regard to shipments on the broad waters of Lake Michigan to the towns on the east shore of that lake located in the State of Michigan. I think it will surprise some Senators when I tell them the situation that exists there, where there is as good an opportunity for water traffic as anywhere in the world—the broad lake, harbors improved, sufficient depth, and all of that, ready means of access, the great market and distributing center afforded by the city of Chicago, steamboats in abundant number to ply on the waters, steamship lines of long standing plying between the city of Chicago and the ports of Muskegon, Manistee, Holland, Grand Haven, South Haven, and so forth. You would think that there, if anywhere, a healthy and growing traffic would exist. But what is the fact?

In 8 out of 13 of those cities—and I include Michigan City, in Indiana, because that is in the same category—there has been a very marked decrease in the last 10 or 12 years. I will present the figures here later. I take the prosperous town of Muskegon. The quantity of miscellaneous merchandise and high-grade freight that is handled there by water is barely a sixth of what it was in 1902. In Michigan City it has dropped almost out of sight. There are five towns in which it has increased, but the explanation is a very easy one. One of them is the favorite town of the Senator from Michigan, Arcadia.

Mr. SMITH of Michigan. I bow to the Senator from Ohio. At last neglected Arcadia is embalmed in the records of the Government as a reality.

Mr. BURTON. The Senator from Michigan has rendered a most important service in placing Arcadia on the map. But for his efforts it would have been lost entirely, and no one could have found it except by examining the indexes to the atlases. He is entitled to a bronze statue in the most prominent place in the little town of Arcadia. [Laughter.] They ought to tax themselves to the last dollar to erect that statue.

Mr. KENYON. Why not have Congress appropriate the money?

Mr. BURTON. Well, I will not oppose it.

Mr. NORRIS. Put it in this bill.

Mr. BURTON. Possibly it would not come up until I am out of Congress, but I am very generous as to appropriations when I am not here.

Mr. SMITH of Michigan. I should like to see the monument group of the distinguished supporters of Arcadia. Why not include the distinguished Senator from Ohio as well as the honored Senators from New Hampshire and the Senator from Iowa?

Mr. BURTON. I am afraid they would tear it down. [Laughter.]

Mr. SMITH of Michigan. No; it would proudly stand as long as the hills that encompass this little harbor. Stand as a perpetual guaranty against isolation or neglect.

Mr. BURTON. As I recall, the traffic there in 1902 was about 22,000 tons. It has held its own, and is now about 1,000 tons more. Grand Haven has held its own, because there is a car ferry from Milwaukee. Ludington has held its own. It is now the leading port on the east side of Lake Michigan. What is the reason there? Because there is a car ferry. Holland has held its own, I think because it is a town of very energetic population. It is largely peopled by persons of the country after which it is named, and has a very thrifty and progressive citizenship.

But here we have that object lesson, as perfect a waterway as exists anywhere in the world, boats in superabundance, established lines, growing towns; and yet, unless some exceptional reason exists which can readily be explained—the most difficult to explain is Arcadia, and the advocacy of the Senator from Michigan no doubt explains that—the traffic has fallen to a point where in some instances it is not a sixth of what it was 10 years ago.

If that is the case on so perfect a waterway, with such facilities, near to the second city in the Union, Chicago, what can you expect on a crooked river like the Tennessee or the Cumberland that you are proposing to fill with locks and dams?

Why, Mr. President, the proposition is so self-evident, and the tendency is so irresistible, that it is an absurdity to hope for the development of traffic there, when with a free waterway, on a magnificent lake, such results appear as have appeared on the east shore of Lake Michigan.

Mr. SMITH of Michigan. Mr. President, I am sure the Senator from Ohio does not regret the expenditures which have been made at Muskegon, Ludington, Michigan City, and the other points on Lake Michigan to which he has referred. I am sure he is not now criticizing himself for the interest he has taken in those harbors. This bill carries no money for them, except merely for maintenance—\$5,000 for Muskegon. The project is completed.

Now, lest Senators get the impression, because the overlake commerce has not increased as rapidly as was expected, that the city of Muskegon has gone backward, I will say to the Senator from Ohio and other Senators who do me the honor to listen that Muskegon since 1902, the date named by him, has increased in population greatly. Her diversified industries have increased by leaps and bounds. It is not due to a more circumscribed commercial and industrial development, but to greater transportation facilities now enjoyed by this prosperous and growing city. It is a thriving and prosperous and beautiful city, but other facilities have divided somewhat the monopoly which hitherto existed in rail transportation, while in the



little town of Arcadia, where this bronze statue is to be erected—was it to be bronze or gold or silver or iron or lead or copper?

Mr. KENYON. In view of some of these appropriations it might be something else. [Laughter.]

Mr. SMITH of Michigan. Well, the country will not always be Democratic; but, no matter what it was to be, Arcadia was practically abandoned by the Government; that little farming community, shut up between the high hills on the east and her inability to get to the lake upon the west, with her perishable products, it was most fortunate that nature had placed this waterway right at their doors.

Now, one word more about Arcadia, because I am afraid I am to be good-naturedly assailed by my honored friend from New Hampshire. He seems to be studying the globe with some interest, probably for the purpose of locating this "El Dorado" on the shore of Lake Michigan.

This little Arcadian community built their own harbor at a cost of \$75,000. They never asked anything except that a Government dredge should come in there and keep it open for a few hundred feet from the inland lake to Lake Michigan—a very inexpensive piece of work. Does any Senator regret that this is being done for these farmers, who can get their products out in no other way? Must every farmer keep a dredge as a part of his agricultural equipment, and send it ahead of his product in order to get to Lake Michigan? Oh, no. Let the Government dredge go in there, at a small cost, and keep that natural waterway open.

The engineers said the improvement would cost \$140,000 completed. Through my earnest insistence but \$25,000 has been appropriated for it in the past three years, and \$25,000 is carried in this bill to complete it; so that my insistence has not only saved the Government \$100,000 that the engineers would have expended in completing the project, but has given to that community an outlet which they are dependent upon if they are to carry on their employments in that little rural village.

Mr. GALLINGER. Mr. President, after the tribute that my honored friend the Senator from Michigan has paid to the Grand River, I am rather impressed with the feeling that it is correctly named; and yet I was not profoundly impressed with the suggestion that the Senator made that the enterprising people of Grand Rapids were appropriating money to keep the river, when it goes on a rampage, from destroying private property. No suggestion was made that there is any commerce on the river that is worth talking about, and I apprehend that there is not.

Mr. SMITH of Michigan. I can not allow the Senator to leave the Grand River high and dry. The truth is that we have 10 or 12 feet of water from the lake half way to Grand Rapids. The balance of the distance the late Gen. Ludlow recommended we should have 10 feet of water. It was easily obtainable at a cost of probably less than \$900,000. After we had engaged in the work of carrying out the Ludlow plan for the balance of the distance to Grand Rapids, and on the recommendation of the Senator from Ohio, who visited our community, the project was modified to a 6-foot channel, and the boats that had been purchased and put upon the river could not navigate upon that 6-foot channel. The public bought large boats and paid for them out of their own pockets.

The commerce is there, no one denies that, if they had an opportunity to get it out. The fact that the Government altered the plan was discouraging to our people, and for seven years we have not had a penny appropriated for it, and there is nothing in this bill; and I shall never ask the Government to spend another cent there until some engineer with the intelligence and ability that Gen. Ludlow disclosed enlarges that project. When that is done you will find me very persistent in advocating its completion.

Mr. NORRIS. Mr. President, will the Senator from New Hampshire permit me?

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to ask the Senator from Michigan a question in regard to the expenditure of money by the citizens of Grand Rapids. As I understood the Senator, they had expended about \$1,000,000.

Mr. SMITH of Michigan. Yes.

Mr. NORRIS. I should like to know whether that was expended for the purpose of improving navigation or for the defense of property that was overflowed by the freshets?

Mr. SMITH of Michigan. It is supposed to have accomplished a double object. The engineer who came there and recommended it—I think, Prof. Cooley, one of the most distinguished engineers of the country—suggested that that water, if confined within practical limits, either by the construction of a wall or by dredging, could be made useful for both purposes.

Mr. NORRIS. What has been the result?

Mr. SMITH of Michigan. Seriously, I think the money could have been spent to much better advantage on dredge work.

Mr. NORRIS. What has been the result of that expenditure? Has it improved navigation upon the river?

Mr. SMITH of Michigan. The possibilities of navigation have been improved; but the bar is still there, and must be cut away before we can connect the deep water at the north end of our city with the deep water below Grand Rapids.

Mr. NORRIS. How many feet have you now at low water?

Mr. SMITH of Michigan. At low water? I think 4 feet, perhaps.

Mr. NORRIS. What did you have before the citizens of Grand Rapids expended this money?

Mr. SMITH of Michigan. It got very low at certain seasons and very high at other times. I have seen as high as 16 feet of water there.

Mr. NORRIS. Is 4 feet sufficient to allow any practical navigation?

Mr. SMITH of Michigan. It is not; only for small craft.

Mr. NORRIS. Then the resulting expenditure, as I understand, has not really improved navigation?

Mr. SMITH of Michigan. It probably has had a good effect in caring for the volume of water that comes down that stream, so that it is less dangerous. In that regard we find ourselves in the same situation in a small way as the Mississippi and other streams which overflow, and for which we are appropriating large sums of money, and always with my approval.

Mr. NORRIS. If the Senator from New Hampshire will permit me, I would suggest for the purpose of getting the idea of the Senator from Michigan on this proposition, if the money of the Government is expended on streams that can not within any reasonable limit be made navigable would there not be some reason for its expenditure to protect property in existence along the stream rather than to use the money for the purpose of dredging a river or a creek that in all reason never could be made navigable. In the one case there would be some return for the money, in the other there would be none.

Mr. SMITH of Michigan. I think if the stream is to be of any importance commercially we must deepen the stream for purposes of navigation and protection. The same spade will do both.

Mr. GALLINGER. Mr. President, inasmuch as the Government wasted \$513,000 on this Grand River and the appropriations have been discontinued—the very thing that ought to happen to scores of items in this bill—I am quite ready to bid Grand River a long farewell.

Mr. SMITH of Michigan. I want to say to the Senator he must not bid Grand River a long farewell. Grand River will return to plague him and to call upon him frequently if he remains in public life, but it will not do it until there is some practical method of obtaining navigation from future plans devised by the engineers of the Government. It will come again and again; and I hope the Senator will be here all the time, because I know he will look with favor on it if it comes in proper form.

Mr. GALLINGER. Yes, Mr. President; Grand River, like a bad penny, will doubtless return again.

I was interested a few days ago to hear from the lips of the distinguished Senator from Michigan that there was not a single item in this bill relating to Michigan that was not fully justified, and that the only new item was that for Arcadia. I presume that is true. I am not going to criticize the items that are in this bill for the State of Michigan, but I do want to call attention to the fact that Michigan is casting an anchor to windward in regard to river and harbor appropriations, for she succeeded in getting in the bill as it passed the House six new surveys for that State. For some inscrutable reason the Senate committee struck one of those surveys out of the bill—that for Clinton River—but to make sure that Michigan should not suffer, they put in a new survey for Point Lookout, so that Michigan is to be provided with some new appropriations in the near future if the Engineer Corps think those streams are as worthy of being improved as they once thought Grand River was.

Now, as to Arcadia, the sonorousness of the name attracted my attention, and I thought I would look it up a little and see exactly what "Arcadia" stands for. I went to the Century Dictionary of Names, and I found the following:

Arcadia: In ancient geography, a region in the heart of the Peloponnesus, bounded by Achaea on the north, by Argolis on the east, by Laconia and Messenia on the south, and by Elis on the west. It is nearly surrounded and is intersected by mountains, and was proverbial for its rural simplicity. Its cities, Tegea, Mantinea, etc., formed a confederation about 370–360 B. C.

"The history of the rise of modern literature of an ideal Arcadia—the home of piping shepherds and coy shepherdesses, where rustic simplicity and plenty satisfied the ambition of untutored hearts and where ambition and its crimes were unknown—is a very curious one, and has, I think, been first traced in the chapter on Arcadia in 'Rambles and studies in Greece.' Neither Theocritus nor his early imitators laid the scene of their poems in Arcadia; this imaginary frame was first adopted by Sannazaro." (Mahaffy, Hist. Classical Greek Lit., I, 420.)

#### Another definition:

Arcadia: A monarchy of modern Greece. Area, 1,661 square miles. Population (1896), 167,092.

Arcadia: 1. A description of shepherd life, in prose and verse, by Sannazaro, written toward the end of the fifteenth century. Though itself not a pastoral romance, it appears to have first opened the field to that species of composition.

2. A pastoral romance by Sir Philip Sidney, published in 1590, but written in 1580-81. Its whole title is "The Countess of Pembroke's Arcadia." Although the scenes are artificial, the freshness of Sidney's style gives reality and interest to it.

3. A romance by Robert Greene, published in 1589. "It is formed on the model of Sidney's celebrated pastoral, which, though it was not printed till some years after the publication of Greene's Arcadia, had been written a considerable time before it." (Dunlop, Hist. of Prose Fiction, II, 557.)

4. A pastoral romance by Lope de Vega, modeled on Sannazaro, which, though written long before, was not printed till 1598.

5. A pastoral play by Shirley, printed 1640, having been acted some time previously. This is a dramatization of Sir Philip Sidney's romance.

Not content with that I turned to the Century Dictionary itself, and I found the following:

Arcadian: 1. Of or pertaining to Arcadia, a mountainous district in Greece in the heart of the Peloponnese, or to its inhabitants, who were a simple pastoral people, fond of music and dancing. Hence—

2. Pastoral: rustic; simple; innocent.

3. Pertaining to or characteristic of the Academy of the Arcadians, an Italian poetical (now also scientific) society, founded at Rome in 1690, the aim of the members of which was originally to imitate classic simplicity.

1. A native or an inhabitant of Arcadia. 2. A member of the Academy of the Arcadians.

Arcadianism: Rustic or pastoral simplicity, especially as affected in literature; specifically, in Italian literature toward the end of the seventeenth century, the affectation of classic simplicity.

The reference to Arcadia would not be complete did I not quote a few lines from Longfellow's "Evangeline; A Tale of Acadie." I assume that it does not paint a true picture of the Michigan Arcadia, but it is nevertheless a contribution to the subject that ought not to be omitted:

This is the forest primeval. The murmuring pines and the hemlocks,  
Bearded with moss, and in garments green, indistinct in the twilight,  
Stand like Druids of old, with voices sad and prophetic,  
Stand like harpers hoar, with beards that rest on their bosoms.  
Loud from its rocky caverns, the deep-voiced neighboring ocean  
Speaks, and in accents disconsolate, answers the wail of the forest.

This is the forest primeval; but where are the hearts that beneath it  
Leaped like the roe, when he hears in the woodland the voice of the  
hunter?

Where is the thatched-roofed village, the home of Acadian farmers—  
Men whose lives glided on like rivers that water the woodlands.

Mr. President, that tribute to Arcadia is worthy of being embalmed in the CONGRESSIONAL RECORD, and it is an added reason why the appropriation for Arcadia should be made in this bill.

Now, let me direct the attention of the Senate to some of the items making appropriations for streams in the State of North Carolina.

Mr. KENYON. Before the Senator leaves Arcadia, some of us, I think, did not understand the Senator. Was this poem read as a reason why there should be an appropriation for Arcadia, or against an appropriation?

Mr. GALLINGER. I think it perpetuates the name, and we ought to make the appropriation.

Mr. SMITH of Michigan. I am very glad the Senator from Iowa asked that question, because it will throw a flood of light upon this discussion.

Mr. GALLINGER. Mr. President, what I said was in praise of Arcadia. The original Arcadia was the home of piping shepherds and coy shepherdesses, where rustic simplicity and plenty satisfied the ambition of untutored hearts, and where ambition and its crimes were unknown. Now, I apprehend that that is practically true of Arcadia in the State of Michigan, that there are piping shepherds and coy shepherdesses there, and that they are a happy, contented, joyous people, and ought to have an appropriation.

Let me now direct attention to some of the items which provide appropriations for streams in the State of North Carolina. First let me mention the project for Northeast River. The original project has been completed according to the engineers' report for 1913, but there are certain interesting facts connected with it that are worthy of comment. The report shows that after the expenditure of \$37,443.33—I am taking the figures from the report of the committee, which is always equally as liberal as the report of the engineers, and sometimes a trifle

more liberal—the report shows that after the expenditure of \$37,443.33 the depth of water at Kornegays Bridge, at the head of the project, is about 1 inch, and at Hallsville, 15 miles farther down the river, the depth is 6 inches:

As a result of the expenditures to date, the channel has been cleared wherever needed. Six feet of water can be carried to Bannermans Bridge and 3 feet to Crooms Bridge during all stages of the water.

From Crooms Bridge to Kornegays Bridge, the head of navigation, the river is so shallow that navigation is practicable only when the water is up. This is liable to occur at any time, but during the summer low stages usually prevail.

The minimum low-water depth to Bannermans Bridge is 6 feet; to Crooms Bridge, 3 feet; to Hallsville, 0.5 foot; to Kornegays Bridge (the head of navigation), 0.1 foot.

Mr. NORRIS. Mr. President—

Mr. GALLINGER. I yield.

Mr. NORRIS. Has the Senator investigated in regard to that river?

Mr. GALLINGER. I base my statement on the report of the committee, and also the report of the engineers, which I have on my desk.

Mr. NORRIS. I know the Senator does not want to give a superficial examination of a great project like that, and it has occurred to me since there was so little water there that it may be an investigation will show that artesian wells could be established along the river to increase the flow.

Mr. GALLINGER. That might be done.

In the report of the committee nothing unfavorable to this project or of any other similar projects can be found. It is certainly a remarkable circumstance that the Government of the United States should improve a stream up to a point where the water is one-tenth of 1 foot in depth, but such seems to have been the fact in this instance. Not content with that improvement a new project has been entered upon which provides a further appropriation of \$25,375 for this river.

Mr. President, I said on a former occasion that there was not water enough at the head of navigation upon the river to wash a new-born babe. I will now say that upon further reflection I do not believe there is enough water in the stream to float a toy boat, a cake of Ivory soap, or a champagne cork; yet we are appropriating money in this bill for that stream.

I remember the former Senator from Maine, Mr. Hale, distinguished as he was, and sometimes very caustic in his criticisms, used to allude in the discussion of these questions to "a painted ship on a painted ocean." But we have not even that picture before us in reference to this famous river that has one-tenth of a foot of water at the head of navigation, and for which we propose to appropriate further money.

Now, Mr. President, let us turn to Bay River, in the State of North Carolina. This is a river that it is proposed to make a small appropriation for. The head of navigation is at Bayboro, and logging and rafting may be carried for about a mile above Bayboro. The commerce consists largely of fertilizers, and they claim that there has been a slight reduction of freight rates because of the appropriations for this river.

I will not take time to read all the committee says on this subject, but simply call attention to it as one of the streams that might well wait, so far as an appropriation is concerned.

Then there is the Shallotte River, N. C.; what about that?

Shallotte River is a small stream in Brunswick County, N. C., rising in the large swamp country between Cape Fear and Waccamaw Rivers, known as Green Swamp. The stream is about 30 miles long and flows in a southerly direction into the Atlantic Ocean at a point about 20 miles west of the mouth of the Cape Fear River. The maximum draft that can be carried from the ocean to the mouth of the river is about 6 feet at mean low water. Section under improvement, from mouth to Whites Landing, 8 miles.

Act of Congress approved March 2, 1907, appropriated \$3,000 to be expended on this river. This appropriation not being based on any previous project, the project submitted to and approved by the Chief of Engineers for the expenditure of the funds available became the project.

This project was to dredge a channel 35 feet wide and 4 feet deep at low water, following the best water along the western shore, between a point 2½ miles above the inlet and a point 4 miles above the inlet.

Three thousand dollars was expended on this project, which was completed.

The present project, adopted by the river and harbor act approved March 4, 1913, provides for securing a channel of 4 feet at mean low water and a width on bottom of 36 feet, increased on curves, including the straightening of the channel by the making of six cut-offs and the construction of a turning basin at Whites Landing, at an estimated cost of \$9,845 for first construction and \$1,000 annually for maintenance, and that further improvement to 6 feet depth is desirable also, provided the extra first cost be provided for by local interests, and the project was adopted by Congress subject to this provision.

The river is tidal, there being a rise and fall of tide of approximately 5 feet at the mouth and 3 feet at the town of Shallotte, which is the head of schooner navigation, 9 miles above the mouth.

At mean low water a draft of 4 feet can now be carried to Old Still Landing and 2 feet about 2 miles farther up to the town of Shallotte, which is practically the head of navigation.

No commercial statistics were collected for 1912.



The effect of the proposed improvement on freight rates is not known, but the stream affords an outlet to products which have no outlet except by wagon.

That is interesting.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. I yield.

Mr. NORRIS. I notice quite a large item for that particular river providing for a turning basin.

Mr. GALLINGER. Yes.

Mr. NORRIS. Will the Senator explain just what that is and the size of it, its depth?

Mr. GALLINGER. I have not looked that up, but I presume it is probably wide enough to turn in.

Mr. NORRIS. I suppose probably it is at the head of navigation.

Mr. GALLINGER. I assume that to be the case.

Mr. NORRIS. As I remember, the Senator stated the water was only 2 feet deep there.

Mr. GALLINGER. That was all.

Mr. NORRIS. Does the Senator know whether the turning basin will be deeper than 2 feet?

Mr. GALLINGER. I suppose, without having technical knowledge of the subject, that they could make a turning in any stream if they dug down far enough.

Mr. NORRIS. I suppose the stream is so narrow that you can not turn a boat around in it. Is that the object of the turning basin?

Mr. GALLINGER. Mr. President, my knowledge of navigation is not first class, but the Senator is probably right.

Mr. NORRIS. I was wondering whether it would not be cheaper to make a turning table rather than to try to dig a hole deep enough to hold the water.

Mr. GALLINGER. I think that would be cheaper and probably less expensive.

I turn next, Mr. President, to the appropriation for Fishing Creek in the State of North Carolina.

#### FISHING CREEK, N. C.

This stream rises in Warren County, N. C., and flows in a general southeasterly direction, forming for some distance the boundary line between Warren and Halifax Counties on the north and Franklin, Nash, and Edgecombe Counties on the south. It empties into Tar River about 8 miles above Tarboro. Its total length is about 120 miles (about 50 miles in an air line).

That is one of these snakelike streams, and they will probably have to make several turning basins there if they are to navigate it.

Section under improvement, mouth to railroad bridge, 40 miles above. The original project of 1880 was to clear the stream of logs, snags, trees, etc., up to Bellamy's mill, about 50 miles above its mouth, so as to give a minimum low-water depth of 20 inches and a minimum width of 40 feet.

Mr. NORRIS. Does the Senator mean to say that the stream is only 40 inches wide?

Mr. GALLINGER. Oh, no. It is 40 feet wide and 20 inches deep. It is a little different from the River Platte in the Senator's State, which is said to be 3 inches deep and 20 miles wide, I believe. It is a different proposition altogether.

Mr. NORRIS. We can construct a turning basin there a good deal better than in a stream that is only 40 feet wide.

Mr. GALLINGER. Undoubtedly. But I continue:

It was amended in 1896 to limit the work to that part below the Wilmington & Weldon Railroad bridge, about 40 miles above the mouth, and this amended project was completed in 1901, since which time work has been confined to maintenance below Beech Swamp, 18 miles above the mouth.

Mr. KENYON. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. KENYON. This creek, I understand, is Fishing Creek.

Mr. GALLINGER. Yes; Fishing Creek.

Mr. KENYON. Does the report state the kind of fish that are found in that creek?

Mr. GALLINGER. I think they must be suckers. [Laughter.]

Mr. KENYON. Evidently.

Mr. GALLINGER. Mr. President, they have a river in North Carolina called New River. I do not know whether the Colonel discovered it or not.

Mr. THOMAS. Is that a different river from the Newbegun River?

Mr. GALLINGER. I will call attention to Newbegun after a little while. Newbegun is a creek, not a river.

New River lies almost wholly within Onslow County. It flows in a general southerly direction and empties into the Atlantic Ocean through New River Inlet about midway between Cape Lookout and Cape Fear. Total length, 52 miles. Section under improvement, mouth to Jacksonville, 23 miles.

Five feet is the maximum draft that can be carried from the ocean to river, by way of New River Inlet.

The original project of 1886 was to dredge a cut 4 feet deep and 100 feet wide through Wrights Island and a second cut 4 feet deep and 150 feet wide through Cedar Bush Marsh. Both were completed, but the Cedar Bush Marsh cut deteriorated at the upper end and was abandoned—

It went back on them and was abandoned—

and the project of June 18, 1894, to obtain a feet depth around Cedar Bush Marsh by dredging and an experimental timber training wall was adopted and successfully carried out. The additional work required is for maintenance.

The act of March 3, 1905, authorized the balance from the project of 1894 to be expended in rebuilding the dike hitherto constructed. This was done, and the dike is now permanent.

The river and harbor act of June 25, 1910, modified the project and authorized the dredging of a channel 200 feet wide and 5 feet deep at mean low water from the mouth of the river to Jacksonville, at an estimated cost of \$6,700, with \$800 annually for maintenance after completion.

Amount expended since Civil War on previous projects..... \$33,807.82

Amount expended on project of 1910 up to June 30, 1913,

for improvement..... 301.88

Total..... 34,109.70

They have received from sales, according to the report of the committee, 10 cents. I do not know what they sold. If it were Fishing Creek, I could have understood what they sold. The 10 cents doubtless was turned back into the Treasury. I have no idea that it was confiscated.

Outstanding liabilities June 30, 1913, \$171.67.

Mr. NORRIS. Mr. President, I could not understand the statement which the Senator from New Hampshire has just made. What was the item to which he referred?

Mr. GALLINGER. I stated that they had received from sales 10 cents, and said that I did not know what it was; that I could understand what it was if it applied to Fishing Creek, but I do not know what it means when it applies to New River.

Mr. NORRIS. I do not suppose the Senator intended to imply that because this river was called New River there were no fish in it.

Mr. GALLINGER. Oh, no.

Mr. NORRIS. That would not follow. If there is anything in a name, it would indicate that it was a made river, one which was made by dredging; that there was no river there before it was begun. So, of course, it is proper to call it New River; but there would certainly be fish in it. I think that accounts for the 10-cent item.

Mr. GALLINGER. Perhaps so. Listen further:

The tidal range at the inlet is about 3½ feet and at the head of the marshes about 1 foot. The head of navigation for all practical purposes is Tar Landing, 8 miles above Jacksonville, 26 miles from the mouth of the river, to which a present depth of 4 feet can be carried. The depth on the bar at the mouth of the river is now 4 feet, but varies from time to time. Above Tar Landing logging and rafting can be carried on for some distance.

In its present condition this stream probably has very little effect on freight rates in general, but it affords transportation for products which would otherwise have no means of transportation except by wagon.

That is the way we carry products in New Hampshire—by wagon—but it is apparently an unpopular mode of transportation in North Carolina. The report concludes:

If the bar and channel were sufficiently improved to justify a line of steam vessels between Wilmington and Jacksonville, freight could probably be carried to the latter point much more cheaply than at present.

Then there is a waterway between New River and Swansboro, in North Carolina:

This waterway is a part of the waterway between Beaufort Harbor and New River, but in 1890 two separate appropriations were made—one for the "inland waterway between Beaufort Harbor and New River" and the other for the "waterway between New River and Swansboro," and hence separate reports are made for the two improvements, although one embraces the other.

Six feet is the maximum draft that can be carried from the ocean to the waterway at mean low water.

And so forth, and so forth.

The commerce for the year 1912 amounted to 17,474 short tons, at an approximate value of \$214,413, an increase of 516 tons above that of last year. It consisted principally of timber, cotton, fish, oysters, clams, and fertilizers.

The improvement of this waterway will probably have no direct effect upon freight rates, but if it had sufficient depth it would afford means of transportation for large quantities of timber, lumber, and miscellaneous products that now have no outlet except by wagon or by the smallest-draft boats.

It is proposed to apply the additional appropriation recommended, \$28,500, as a profitable expenditure in the fiscal year ending June 30, 1915, toward completion of the project and to the maintenance of the present dredged cuts.

Then there is Deep Creek in North Carolina. I am glad that it is deep. Let us see what the report says about Deep Creek. The annual commerce of this creek is estimated to be 2,000 tons—

Which commerce is at present handled by rail through Scuppernon. On account of the unfavorable situation of the inhabitants in regard to transportation and the prospect of agricultural development—

You will observe the queries which run all through these reports—and the prospect of agricultural development—

if reasonable freight rates were obtainable, the district officer recommended that a survey be made. In the report on survey he submits estimates of cost—

And so forth.

Well, Mr. President, I do not believe that Deep Creek needs any special attention on the part of Congress this year, when our Democratic friends are presumably trying to economize in accordance with the plank of their national platform.

Then, there is Newbegun Creek, in the same State. I do not know when it was begun; probably nobody knows.

This creek is a tributary of Pasquotank River, into which it empties from the west about 5 miles above the mouth of the river in Albemarle Sound. The mouth of the creek is obstructed by a bar on which the depth is about 4 feet. The district officer reports that back from the immediate banks the land is exceedingly fertile, the principal produce being truck, which requires quick transportation to market and for which rail transportation is not sufficiently near at hand. To provide suitable facilities for navigation, the district officer submits a plan covering the dredging of a channel across the bar, via the southern route, having a depth of 5 feet at the mean stage and a bottom width of 40 feet, the cost of which is estimated at \$5,000. For reasons stated he expresses the opinion that this improvement is worthy of being undertaken by the United States, and in this view the division engineer concurs.

These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to the board's report herewith, dated March 10, 1913, concurring with the views of the district officer and the division engineer.

The commerce of this Newbegun Creek last year was 5,000 tons, and it is proposed to make an appropriation to improve it.

Mr. BURTON. Is there any specification of the commerce? Is it not mostly floated logs?

Mr. GALLINGER. That is true of the commerce of all these little streams; it is almost entirely of floated logs. Sometimes they have some fertilizer. In fact, there is so much fertilizer scattered through these appropriations that I have sometimes thought that it makes this bill smell to heaven, and doubtless makes the appropriations stronger than they otherwise would be.

Mr. BURTON. I think, if the Senator from New Hampshire will allow me, that the number of tons of fertilizer carried is comparatively small, in many instances not aggregating more than a certain number of wagonloads.

Mr. GALLINGER. That may be so.

Mr. BURTON. But if any fertilizer is carried, it is included in these statistics.

Mr. GALLINGER. Undoubtedly the commerce is mostly of the nature which we used to transport from the White Mountains of New Hampshire to the ocean through the comparatively shallow rivers which we have in my State, but for which we never thought of asking an appropriation from Congress. Those logs were floated by experts, who handled them with great skill, and millions and millions of feet of lumber were so carried. At the present time I think the railroads are doing the business, because they do it more quickly.

Then there is Smiths Creek, N. C.:

A small tributary of Neuse River, rises in Pamlico County and flows into the latter stream on the north side at the town of Oriental, about 10 miles from the mouth of Neuse River and opposite the mouth of Adams Creek, the northern terminus of the waterway from Pamlico Sound to Beaufort Inlet.

It flows in a general easterly direction. It is about 5 miles long, and is navigable 2 or 3 miles above its mouth, but there is very little commerce on it, the section to be improved being limited to its mouth, the harbor of Oriental.

They are going to open the mouth of this 5-mile stream.

The present and only project for improvement, adopted in 1910, contemplates the excavation of a basin in the small bay located in the center of the town and just inside the mouth of the creek to a depth of 10 feet at mean low water and removing several lumps and projecting points in the entrance channel, at an estimated cost of \$16,250, with \$1,000 annually for maintenance. The plan further provides for the construction by local interests of a bulkhead of sheet piling.

The commerce for the year 1912 amounted to 14,226 short tons, valued at \$255,514, a decrease of 2,942 tons below last year. This decrease was due to the closing down of one lumber mill and the destruction by fire of another.

Now, Mr. President, in this year of needed economy, I really think we can safely omit this appropriation for Smiths Creek; and, if I am in the Senate when the bill is finally considered, unless the Senator from North Carolina takes Bay River, Shalotte River, Fishing Creek, New River, Deep Creek, Newbegun Creek, and Smiths Creek out of the bill I shall move to strike them out.

Mr. NORRIS. Mr. President—

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. I notice that Smiths Creek is only 5 miles long.

Mr. GALLINGER. It is 5 miles long.

Mr. NORRIS. The appropriation is confined altogether to the mouth of the creek.

Mr. GALLINGER. They suggest that they could improve 2 or 3 miles of it.

Mr. NORRIS. Has the Senator any statistics there as to the depth of the water farther up the stream?

Mr. GALLINGER. I think there is some suggestion somewhere here in regard to that, but I can not turn to it offhand.

Mr. KENYON. The appropriation is to take the lumps out of its mouth, according to the report.

Mr. NORRIS. It strikes me that it is very bad policy in the case of this stream, as in most of the other streams, to deepen and open its mouth, because that would let the water all run out, and the stream might become entirely dry.

Mr. GALLINGER. The report says:

The project was about 92 per cent completed when dredging operations were suspended. Considerable shoaling has occurred in the dredged area, owing to the failure of the bulkhead to hold the dredged material, and a large portion of the cut has a depth of only 8 feet at mean low water.

There is practically no tide on the stream. Variations in water levels due to winds sometimes amount to 3 feet.

Mr. NORRIS. "Variations due to winds?"

Mr. GALLINGER. Yes; the winds sometimes blow it up to 3 feet.

Mr. NORRIS. Or blow it out. Does the report show that the loss of the bulkhead at the mouth has resulted in a decrease of the traffic on the river?

Mr. GALLINGER. It does not make any suggestion of that kind, but there was a decrease of 2,942 tons in the last year.

Mr. NORRIS. I suppose the bulkhead was put there for the purpose of keeping the water in the stream?

Mr. GALLINGER. Very likely.

Mr. NORRIS. And if the bulkhead were destroyed, the water would get out?

Mr. GALLINGER. This decrease of 2,942 tons occurred because a lumber mill was closed down, and of course the more lumber mills that close down the more urgency there will be for this appropriation to give work to the people who will be thrown out of employment. That is the natural conclusion.

Then there is Swift Creek, N. C., and I wish to read just a word or two regarding that stream. Swift Creek is—

a tributary of Neuse River, rises in Pitt County, and flows in a southeasterly direction, almost parallel to Contentnea Creek, into Craven County, to a point about 8 miles below Vanceboro, when it turns and flows southwest for about 5 miles, emptying into the Neuse River about 8 miles above Newbern. The section under improvement is from the mouth to Vanceboro, 14 miles.

Seven feet is the maximum draft that can be carried from the ocean to the mouth of the creek.

The only project for improvement, adopted by the river and harbor act of June 25, 1910, contemplated securing a clear channel between the mouth of the river and Vanceboro by the removal of snags and overhanging and leaning trees, at an estimated cost of \$1,600, with \$500 annually for maintenance.

The project was completed in November, 1910, but the channel has deteriorated.

A great many of these channels seem to have behaved very badly; after the Government has spent money on them, they seem to have deteriorated.

Mr. NORRIS. The water has run out.

Mr. GALLINGER. The report continues:

At the close of the present fiscal year 4 feet is the maximum draft that can be carried to Vanceboro, which is the head of navigation, 14 miles above its mouth.

The rise of water level due to floods sometimes causes considerable currents.

That is an important item; that happened in Grand River, in the State of Michigan, as Senators will remember.

The maximum flood height at Vanceboro is about 12 feet.

The commerce for the year 1912 amounted to 26,939 short tons, valued at \$303,269.50, an increase of 4,481 short tons over last year. The commerce consisted principally of fertilizer, cotton, timber, lumber, and farm products.

Here is an important fact which does not apply to the other streams about which I have been reading:

The improvement has had a beneficial effect on freight rates.

The additional appropriation recommended as a profitable expenditure in the fiscal year ending June 30, 1915, will be applied to maintenance by snagging where needed.

Mr. President, there are other items in this bill—

Mr. KENYON. Is there an appropriation there for Contentnea Creek? I judge from its name possibly there would not be.

Mr. GALLINGER. I think there is in the bill an appropriation for that stream, but I have not paid attention to it.

I am going now to call attention to certain other inconsequential streams in some of the other States which are included in the bill under consideration, and I know now I shall hear from the Senator from New Jersey [Mr. MARTINE] when I call attention to Shoal Harbor and Compton Creek, in the State of New Jersey, for which an appropriation of \$56,800 is provided.



The report says, regarding Shoal Harbor and Compton Creek:

There is at present a channel about 4½ feet deep and 100 feet wide connecting the mouth of Compton Creek through Shoal Harbor with Sandy Hook Bar. This depth appeared to be sufficient for the oyster and farm produce carried on the boats. However, there has recently been erected a fertilizer factory on the creek, 500 acres of land have been secured, 300 feet of dock built, etc. This concern claims to require a channel depth of 8 feet, and the project contemplated in this bill is evidently for their sole benefit.

That is from the report—"for their sole benefit."

The fertilizer company was doubtless aware of the limitations of the channel when they secured their present location, but took chances on the fact of the Government coming to their assistance. It is a clear subsidy in a private enterprise, and apparently has no merit whatever.

Mr. NORRIS. The only dock that could be used is owned by this establishment, as I understand.

Mr. GALLINGER. Undoubtedly. Now I turn to an item in the State of Maryland—Herring Bay and Rockhole Creek—for which, on page 19, line 13 of the bill, an appropriation of \$11,800 is provided.

This waterway is on Chesapeake Bay near Annapolis. The population in a 5-mile radius is 10,000. The only factory of any kind is one sawmill. The claim is made by the citizens that they need this improvement to enable them to establish oyster-packing houses and tomato canneries, so it is proposed to spend \$11,800 and many thousands in the future for maintenance to make it possible for these concerns to be established.

They are not established now, but they are going to make a waterway in contemplation of the establishment of oysterhouses and tomato canneries along its banks. Here is a significant fact: It is claimed in the report that land values will immediately improve when the project is completed, which is doubtless true. The report of the division engineer on this project reads as follows:

THE DIVISION ENGINEER, EASTERN DIVISION,  
New York City, May 24, 1913.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

It would seem to me that the original cost of the improvement as estimated by the district engineer officer is justified by the commerce shown plus the prospective commerce—

"Prospective commerce," mark you—

While the district engineer officer does not estimate the cost of maintenance except to state that it is believed it will not be excessive, considering the material it would seem probable that the cost of maintenance would be about \$500 per year. If so, this would make the improvement rather expensive and I would regard it as not worthy of improvement by the United States.

WM. T. ROSSELL,  
Colonel, Corps of Engineers, Division Engineer.

Mr. NORRIS. I suppose he thinks it would be cheaper for the Government of the United States to buy the tomatoes than it would be to make the improvement.

Mr. GALLINGER. I think so; but notwithstanding the division engineer, reporting to the Chief of Engineers, says that this waterway is not worthy of improvement by the United States, there is \$11,800 in this bill for the purpose of improving it.

In the same State—Maryland—Breton Bay has an appropriation of \$3,000. Breton Bay is a tidal estuary of the Potomac 80 miles below Washington. The project is to deepen the channel to Leonardtown. The following quotations are from the report of the preliminary survey:

It is believed that the present terminal facilities are ample for the present commerce and for that which can be predicted for the near future.

A public hearing was held at Leonardtown on September 12, 1912, to afford an opportunity to interested parties to express their views and to ascertain the improvement desired. \* \* \* Nearly all present had something favorable to say about the improvement, and they were requested to submit statements, statistics, etc., in writing by October 1, 1912. To date only one communication has been received.

It is estimated that the maintenance of the present improvement will cost \$1,000 annually, and the recent soundings (taken in September) indicate shoaling all along the channel and turning basin. It is therefore anticipated that several thousand dollars for maintenance will be required at an early date and every four or five years thereafter.

No estimate of the amount of ties, wood, etc., that would be affected by the proposed extension could be obtained, and although requested, interested parties have not supplied such estimate. In view of the relatively small amount of the total traffic of the bay, the proportion using the landings above the wharf at Leonardtown can not be large. While no estimate of cost of the improvement desired has been made, it is believed that it will be large, in comparison with the benefits that might be derived.

Since the report containing the above quotations was made a further survey was made and a smaller project recommended, which is provided for in the bill. Nevertheless, the report on this survey contains the following:

No additional data regarding the commerce of the stream or other conditions relating thereto has been obtained since the preliminary examination was submitted.

This, taken in connection with the first quotation from the original report, would seem to indicate that no improvement whatever is warranted.

Now I turn to Virginia. I do not want to be partial. I find Tangier Channel, for which \$16,434 is appropriated. This appropriation is to provide a channel and turning basin for small oyster boats belonging to a community of 1,262 people located on Tangier Island, a marshy piece of land about 5 feet above water in the lower part of Chesapeake Bay.

The following is from the district engineer who made the survey of the proposed project:

From the facts and reasons above stated, I am of opinion that Chesapeake Bay, with a view to providing a suitable channel at Tangier, Va., is worthy of relief to the extent of a channel 4 feet deep at mean low water and 40 feet wide, at an estimated cost of \$8,525.

The appropriation in this bill is almost twice that amount.

The anchorage basin is not recommended at this time because of the proportionally large cost of the improvement including it. It is thought that if such an anchorage be found necessary, local interests should either provide it or contribute to its construction.

However, this recommendation was overruled by the division engineer in New York, who recommended that the entire cost be borne by the United States. See how generous these engineers are. They overrule the recommendation of the district engineer that the community should either build it entirely or contribute part of the cost; but the division engineer says that the United States ought to pay it all, and so it is proposed that the United States shall pay it all. It would seem that the inhabitants of the island ought to be willing to make some contribution to the project; indeed, there seems to be no reason why they should not bear the entire cost. This is a new project, and not one that is merely to be completed, as might be supposed from the bill, which reads "Completing improvement," and so forth.

They have an Oyster Channel in Virginia, a new project, for which \$11,500 is included in this bill. Under the river and harbor act of July 25, 1912, a preliminary examination was ordered, which was duly made and report submitted to the division engineer. The project did not appeal to him sufficiently to even warrant the expense of a survey, as will be seen by the following report:

It would appear from the report of the district officer that the commerce of Oyster now goes to New York and Philadelphia by rail. With the proposed improvement small boats could take the freight from Oyster and transfer it in the Thorofare to seagoing vessels bound for the above-named places. It would seem that this could be done at the present time by using gasoline boats.

As no use is made of this route at this time, it would seem to me that the General Government would not be warranted in making the proposed improvement, and hence a survey is not recommended.

WM. T. ROSSELL,  
Colonel, Corps of Engineers,  
Division Engineer, Eastern Division.

However, the river and harbor board ordered the survey to determine the cost, and so forth, of the project.

They overruled the division engineer. The survey was made, and the board recommended a project 100 feet wide and 6 feet deep, provided half the expense should be contributed by the residents of Oyster, Va. This was approved by the House committee, which appropriated \$11,250, a like sum to be furnished by the town of Oyster. The Senate committee has amended the provision, providing for a smaller project, the entire cost to be borne by the Government, namely, \$11,500.

Mr. NORRIS. Mr. President—

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. There is an instance, as I understand, where the engineers have been overruled.

Mr. GALLINGER. The division engineer was overruled by the river and harbor board.

Mr. NORRIS. The division engineer is really the second in authority, is he not?

Mr. GALLINGER. Yes. There is the local engineer and the division engineer before they get to the board.

Mr. NORRIS. Did the local engineer approve it?

Mr. GALLINGER. That does not appear in my notes, but I know it was not approved until it got to the river and harbor board.

Mr. NORRIS. And they approved it only on condition that the local authorities pay half of the expense?

Mr. GALLINGER. Yes.

Mr. NORRIS. Now the Senate committee have overruled them?

Mr. GALLINGER. Yes.

Mr. NORRIS. And provided that the Government of the United States shall pay it all?

Mr. GALLINGER. Exactly. That frequently happens. The board specifically recommended against the adoption of the smaller project in these words:

It will be seen that the smaller and less effective project would be more expensive in the course of time and would probably not fully meet the increasing demands of commerce and navigation. If any improvement, therefore, is to be undertaken, it should be the larger and more efficient project.

The investigations of the board lead it to the conclusion, however, that the benefits to general commerce would not be sufficient to justify the undertaking of the project proposed by the district officer if the entire expense is to be borne by the United States. This appears to be a case in which local interests would receive special benefits, and therefore it would appear that the locality should share in the first cost of the work if the United States is to bear the subsequent expense of maintenance.

Mr. NORRIS. Where is that?

Mr. GALLINGER. This is in the State of Virginia—Oyster Channel.

The board therefore reports that in its opinion it is advisable for the United States to undertake the construction of a channel 6 feet deep and 100 feet wide, at an estimated first cost of \$22,500 and \$2,000 annually for subsequent maintenance, provided, however, that local interests shall contribute one-half this amount, \$11,250, toward this work before it is undertaken. A like amount should be made available by the United States in one appropriation.

I can not help saying at this point: "O tempora! O mores!" To what straits have we come in our legislation for private interests? But may Senators who will vote for this appropriation never, oh never, stultify themselves by voting small additional pay to greet the flag of our country on American steamships engaged in commerce on routes to South America, the Orient, and Australasia. That would be subsidy.

Then there is a Lockles Creek in the State of Virginia for which \$4,100 is appropriated. The following extracts from the report of the district engineer on the project are illuminating. There seems to be absolutely no data whatever on which to base an estimate of the cost of maintenance, yet it is admitted that maintenance costs of any degree would not warrant the construction of the channel. The whole thing is a blind trust to luck.

There has been no experience in maintenance in this vicinity under sufficiently similar conditions to form a guide for this case, and any estimate made would have but little, if any, value. On account of its sheltered location it is thought, however, that there is a probability that the maintenance costs would be small.

The commerce involved is about 3,000 tons (report on preliminary examination), with no prospect of any rapid development. This amount of commerce would warrant the first construction of the channel, but maintenance costs of any degree would make either of the channels suggested inadvisable.

On the whole, it is believed that the probability of a sufficiently small maintenance cost is sufficient to warrant the adoption of a project providing for the channel of the smaller depth, at least. If experience shows that this channel is not practically self-maintaining, the project should then be further considered with a view to modification or discontinuance.

They are going to invest the money, and then they are going to see whether it is practically self-sustaining. None of these projects ever will be self-sustaining, however, and every sane man knows it.

Then I turn to South Carolina and I find Jeremy Creek, for which \$5,000 is appropriated. In the preliminary examination of the project the district engineer reported in part as follows:

It appears therefore that the deepening of Jeremy Creek would be a great benefit to the parties living along the bank to the timber interests and to the community at large, as the resultant savings would more than compensate for the expense; but there seems to be no reason why the United States should do the work. The dredged channel now extends to Morrisons Landing, where a wharf has been built, open to all comers upon a small monthly payment; there are also other wharf sites below this where similar wharves could be established, and these would take care of all the general business of the community. To extend the channel up Jeremy Creek would involve solid dredging for a mile, and about the only benefit the general community would receive would be the better drainage. The timber could easily be handled by extending the tramroad a mile down to the present dredged channel.

That is the district engineer. Now, the division engineer is consulted, and he says:

I agree with the district officer that Jeremy Creek, S. C., is not worthy of improvement by the United States at this time.

DAN C. KINGMAN,  
Colonel, Corps of Engineers.

Mr. NORRIS. How did that item get in this bill, with all those things against it?

Mr. GALLINGER. I will tell the Senator in a moment. Gen. Kingman has gone into print and says he does not believe that more than one-half of 1 per cent of the appropriations in this bill are bad. I assume that he includes Jeremy Creek in his calculations, as he signed the adverse report. Now, it got into the bill in this way: Two distinguished men in public life appeared before the River and Harbor Board, and they were so persuasive that a survey was considered advisable, and it was accordingly made. That is the way it got in.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. GALLINGER. Yes.

Mr. KENYON. The Senator has invited interruption.

Mr. GALLINGER. Certainly; with pleasure.

Mr. KENYON. Has not the Senator discovered in his investigation of this matter that there are a number of similar instances where the project has been disapproved, and then,

when Members of Congress have gone before the board, they have changed their minds and approved the project?

Mr. GALLINGER. There are other instances besides this. This is one notable instance.

Mr. KENYON. There was no one before the board to speak for the taxpayer?

Mr. GALLINGER. No.

Mr. NORRIS. Would the Senator care to state whether those "distinguished men in public life" were Members of Congress or not?

Mr. GALLINGER. One was a Member of this body, and the other a Member of the House. The Senator must not ask me for names, because I will not give them.

Mr. KENYON. Mr. President, it is true, is it not, that the report of the Chief of Engineers on these projects shows these names?

Mr. GALLINGER. It does.

Mr. KENYON. And names the Senator and names the Congressman?

Mr. GALLINGER. That is where I found it.

Mr. KENYON. There is no particular secret about that, I understand.

Mr. GALLINGER. No; except that I do not care to give it publicity.

Then there is an appropriation here of \$35,000 for a waterway from Orangeburg to Charleston, S. C. The River and Harbor Board approve of this project in the following desultory language:

While the removal of obstructions alone would not provide sufficient depth for continuous navigation, it would make it possible to operate a boat line the greater part of the year, and those in interest seem to be of opinion that any improvement would be of value and would be taken advantage of if provided.

The board estimates the cost of maintenance at \$5,000 annually.

The district engineer submits the following hesitating approval:

On the whole, it appears that improvement of the present waterway to provide for navigation by light-draft boats is probably feasible.

The following extracts from the report of the district engineer on the survey of the waterway are interesting. On the probable effect of the improvement on the transportation of cotton, the principal product of the vicinity, he comments as follows:

The railroad freight rate to Charleston is \$1.20 per bale, amounting to \$60 for 50 bales. It is believed that the boat's expenses for the three days necessary to make the down trip and discharge would be at least \$50. If there should be no return cargo, the margin of profit disappears at once. Taking into consideration the extra insurance when shipping by water, and the superiority of the terminal facilities at the railroad stations over river landings, it is believed that the quantity of cotton moved by water would be small.

As regards fertilizers, another important product, the district engineer has the following to say:

During the spring season when fertilizers are moving, there would be very little down freight. The operating expenses of the boat per round trip would be more than the \$80 received from the fertilizers. Moreover, in rail shipments the car is loaded at the wharf and unloaded at the factory; whereas by water an extra handling is necessary at the river landing.

On the general proposition the district engineer comments as follows:

Experience on South Carolina rivers has shown that river navigation is a success only when it does not compete with the railroads. \* \* \* In one instance that has come to my knowledge, the farmers have to a great extent abandoned a well-known river landing provided with a suitable warehouse, and are receiving their freight by the railroad at prices two and three times in excess of the river rates.

Now, remember, I am quoting from the district engineer. I am not expressing an opinion. I know nothing personally about this.

The freight train comes daily and the boat weekly. The boat line between Georgetown and Columbia has not been a success, and it must be remembered that the channel to Columbia is far better than can be provided to Orangeburg, and Columbia is a larger place, with more mills and industrial concerns.

Orangeburg is well provided with railroads; the Southern and the Atlantic Coast Line have been there for a long time and now the Seaboard has arrived. It is only 80 miles by rail to Charleston, and Orangeburg should have as favorable railroad rates as any other interior point in the State. The channel that could be obtained in the Edisto River by any reasonable expenditure of money is so small that it is not believed that a sufficient amount of business would be done on it to justify the expenditure. Moreover, it is a question whether the channel could be formed and maintained successfully. In paragraph 12 it is assumed that two small pump boats will be sufficient.

Pump boats—I will ask the Senator from Nebraska, who is well informed on navigation on the Platte River, just what pump boats are?

Mr. NORRIS. Why, Mr. President, that is very easy. Pump boats are boats that operate in rivers that have their water supply from pumps. [Laughter.] I supposed the Senator knew



that. This must be a stream that was dry, and they built a bulkhead, like the one the Senator was talking about a while ago, and went out and pumped water in the stream until they got enough water there to navigate the boats. In a marshy country that is a very easy way to get transportation.

Mr. WALSH. Mr. President—

Mr. GALLINGER. I yield to the Senator from Montana, who represents another State that has a good deal to do with waterways.

Mr. WALSH. That is not my understanding about it. My understanding is that it is a style of boat modeled after a style of shoe that is spoken of as a pump. [Laughter.]

Mr. GALLINGER. Yes; and you might well say "shoo, fly" to this paragraph. [Laughter.]

In paragraph 12 it is assumed that two small pump boats will be sufficient, but the report says—

it may be found that the sand would flow back into the narrow cuts so rapidly that the number of dredges would have to be greatly increased. The improvement of the Edisto River is therefore not recommended.

There is where the trouble comes in, but the appropriation is recommended all the same.

Mr. NORRIS. That would not necessarily make any difference, as long as the Government paid the expense.

Mr. GALLINGER. Oh, no.

Mr. KENYON. Were those pump boats, or punk boats? [Laughter.]

Mr. GALLINGER. Pump boats; the Senator should be accurate.

Mr. NORRIS. They were both pump and punk.

Mr. GALLINGER. Now, listen to this: Here was a genuine attempt at navigation:

A year ago a small steamboat attempted to operate over this stretch, but was sunk by a snag.

Mr. NORRIS. By what?

Mr. GALLINGER. By a snag.

Mr. KENYON. Was that a hostile boat—the snag?

Mr. GALLINGER. Oh, no; it was an old stump that they failed to take out of the stream.

Mr. NORRIS. There was no loss of life, I hope. I suppose the stream was shallow, and they were able to get ashore?

Mr. GALLINGER. I think not; they doubtless walked ashore. There is no difficulty about that.

Mr. KENYON. Nobody was drowned?

Mr. GALLINGER. No. The division engineer reports as follows:

Although I like to see rivers of this kind improved—

How generous he is—

at least to the extent of removing snags and similar obstructions, in order that such use may be made of them as their natural condition will allow, in this case, after a careful reading of the report, I am forced to the opinion that the river is not worthy of improvement at this time.

And yet the bill appropriates \$35,000 for this waterway improvement.

Mr. BURTON. Mr. President, my attention was diverted for a moment. What is the amount recommended?

Mr. GALLINGER. Thirty-five thousand dollars. They will probably buy some more pump boats.

Mr. BURTON. Did the engineers report favorably on that?

Mr. GALLINGER. No. The division engineer says:

Although I like to see rivers of this kind improved, at least to the extent of removing snags and similar obstructions, in order that such use may be made of them as their natural condition will allow, in this case, after a careful reading of the report, I am forced to the opinion that the river is not worthy of improvement at this time.

Mr. BURTON. Does the board of review sustain that position?

Mr. GALLINGER. I have not turned to the action of the board of review, but the committee of the House approved of it, the House approved of it, and the committee of the Senate approved of it.

Mr. NORRIS. And it is in the bill.

Mr. GALLINGER. Yes; it is in the bill—\$35,000.

Mr. BURTON. Thirty-five thousand dollars?

Mr. GALLINGER. Yes.

I am going to turn now to one small item that is in the State of the Senator who does me the honor to sit at my right [Mr. WEST]—the State of Georgia. It is for the Altamaha, Oconee, and Ocmulgee Rivers.

Mr. WEST. It is an Indian name.

Mr. GALLINGER. I am not an expert on Indian language, and very likely I pronounced the name incorrectly. We have \$75,000 appropriated for this stream. There has been appropriated up to date for this river \$960,969.31.

Mr. WEST. I will say to the Senator, if he will permit me, that the Altamaha is quite a large river, two or three hundred miles long, and that it has water in it.

Mr. GALLINGER. I have no doubt of that.

Mr. WEST. I really think that the appropriation is needed, because it will affect over half a million people in the State of Georgia, I believe.

Mr. GALLINGER. I will give a few figures on it.

ALTAMAHA, OCONEE, AND OCMULGEE RIVERS, GA.  
[Page 28, line 21; appropriation, \$75,000.]

There has been appropriated to date for these rivers the sum of \$960,969.31, which resulted in encouraging a commerce amounting in the calendar year 1912 to 31,896 short tons. This tonnage is stated to have been unusually large; but, even if it continues after the expenditure of the proposed appropriation, the cost to the Government per ton of freight carried will be over \$2.

Now, does the commerce on those rivers which have water in them and which, after spending a million dollars, are asking for an appropriation that amounts to \$2 per ton on the freight that shall be carried on them, justify us in making the appropriation?

Then I turn to Florida for a moment, a State that the people of the North are greatly interested in. St. Lucie Inlet, Fla., has an appropriation of \$50,000. It is a Senate amendment.

Mr. NORRIS. Does that reduce the amount in the bill?

Mr. GALLINGER. No; it adds that much.

Mr. NORRIS. I should like to inquire of the Senator if this is a river that has water in it?

Mr. GALLINGER. I think it has; but I am going to talk about it for just a moment.

Under the river and harbor act of March 4, 1913, this project was started with an appropriation of \$100,000, none of which had been expended up to June 30, 1913. However, negotiations were under way with the Panama Canal Commission to secure one of their dredges to undertake the work. The completed project is estimated to cost \$1,200,000.

St. Lucie Inlet is located on the east coast of Florida, about 260 miles below Jacksonville and about 100 miles north of Miami.

The district engineer reports adversely on the project, as follows:

Most of the east coast of Florida labors under the same difficulties as to transportation as the country in the vicinity of the St. Lucie Inlet, and deep harbors are desired at a number of other points. If such improvements would relieve the situation, the commerce to be benefited would warrant their being undertaken; but it is reasonably certain that they would not afford relief, because, in order to carry this produce by water, frequent and regular calls by ships would be necessary, as the produce is perishable and can not be allowed to accumulate, but must be shipped promptly after it is gathered; and sea-going ships would not be warranted in stopping for the small amount of freight that would thus be offered.

The needs of this coast, therefore, will be met, not by a series of deep harbors, but by a canal such as that recommended by the Intra-Coastal Canal Board, whereon speedy light-draft power boats can operate. Already a line of such boats is being built to navigate the very indifferent inland water route now existing.

I am, therefore, of the opinion that St. Lucie Inlet is not worthy of improvement.

But it is in this bill to the tune of \$50,000.

Then there is the Choctawhatchee River, Fla. and Ala., \$25,000.

Up to June 30, 1913, there had been appropriated for this river \$235,300. Evidently this sum has been practically thrown away, judging from the following extract from the engineer's report for 1913:

The river has been partially cleared of snags and other obstructions from time to time, but has again become very much obstructed, being impassable during low water for boats of even light draft from Newton to the mouth of Holmes River, a distance of 122 miles, the available depth at low water being but 20 inches at the end of the fiscal year 1912.

Two hundred and thirty-five thousand three hundred dollars has been spent on that stream, and they are asking for \$25,000 more.

The commerce on the river for the calendar year 1912 amounted to 68,184 tons, all but 20,000 tons of which were logs and timber, which could easily have been floated without any channel, and hence without any appropriation from the Federal Treasury.

Mr. KENYON. The Senator will realize that there is a good deal of advantage in a river of that character. If it is only 20 inches deep, of course, if a boat sinks there no one can be seriously affected.

Mr. NORRIS. A boat could not sink in it.

Mr. GALLINGER. It would not be a *Titanic* disaster certainly.

Mr. NORRIS. They might have wheels on the boats.

Mr. GALLINGER. I omitted when I was speaking of the State of South Carolina to call attention to Lumber River, S. C. The appropriation is small, but let us see whether it is justified or not.

Mr. KENYON. What is the name of the river?

Mr. GALLINGER. Lumber River. I imagine that it is a river probably constructed after the fashion of a corduroy road. As there is not any water in the stream, the river has probably been converted into a corduroy road, and that is the reason why it gets the name of Lumber River. Some of us know what a corduroy road is. I used to travel over one when I was a boy.

Mr. NORRIS. If it is to improve a corduroy road, I am in favor of it, because that would be a road to travel on.

Mr. GALLINGER. The district engineer, under whose direction the survey of the river was conducted, reports adversely, as follows:

The improvement is desired to enable the merchants to obtain lower railroad rates by introducing water competition. Experience has shown that unless energetic use is made of an improved river the railroads will refuse to lower their rates; that a mere threat or a poorly conducted line is not sufficient. Owing to the characteristics of the Lumber River—little depth and narrow and crooked channel—it can not be improved at reasonable expense so as to make a boat line profitable. Moreover the Little Peedee River, over which the through business would have to pass, has even less depth than the Lumber River; and until it is deepened the improvement of Lumber River would be a failure. It is consequently believed that the Lumber River is not worthy of improvement at the present time.

Mr. NORRIS. Did the Senator mention another river?

Mr. GALLINGER. The Little Peedee.

Mr. NORRIS. I thought the Senator said "P. D. Q."

Mr. GALLINGER. No; the Little Peedee. That is a more shallow river than the Lumber River, yet they are going to improve the Lumber River to make boats traverse the waterway and strike the Peedee River, which is still more shallow. The district engineer reported against it on the ground stated.

The division engineer concurs in the above recommendations in these words:

I agree with the district officer that Lumber River is not worthy of improvement by the United States at this time.

The River and Harbor Board, after considering the above reports, submits the following:

It seems clear from the description of this stream and from a study of the condition of the Little Peedee, over which commerce would have to be carried, that only a very light-draft navigation could be developed, except at a very great cost, and it is not probable that if a moderate improvement were made that the river would be used to any considerable extent. Experience on other shallow streams indicates that it would not be profitable for a boat line to operate long distances on the draft of water that could be expected. In view of the foregoing, the board concurs in the opinion that it is not advisable at this time for the United States to undertake the improvement of Lumber River from its mouth to the turnpike bridge over said river.

The district engineer, the division engineer, the River and Harbor Board all reported adversely to this project; and yet those reports were overruled by the Chief Engineer in his Washington office, who recommends that \$2,000 be expended on the river. Now, what good will \$2,000 do toward improving that wretched, little, useless stream?

I am not going to indulge in any foolish criticism or any comment that could not properly be made, but I can not help thinking that it is a most remarkable circumstance that after the division engineer, the local engineer, the River and Harbor Board all reported adversely to it, the local engineer having personal knowledge of conditions certainly, and likely the district engineer had equal opportunities to acquaint himself with the fact, a gentleman in the city of Washington, sitting in a palatial office, should overrule the decision of those three officials and advise an appropriation which finds a place in this bill.

Mr. NORRIS. It seems to me that that is a remarkable case. I wonder if the Senator has before him the reasons given by the Chief of Engineers for overruling the finding?

Mr. GALLINGER. I have under my desk here the reports of the Chief of Engineers, but I really felt that I had neither time nor strength to go into all the details of these appropriations, so I give the simple fact.

Mr. KENYON. I should like to inquire if that was Gen. Bixby's finding?

Mr. GALLINGER. It may have been Gen. Bixby, but I am not sure.

Mr. KENYON. The Senator knows, of course, of the primary lesson in waterway improvement that hung on the wall here for some days purporting to be a speech of Gen. Bixby, in which he states in substance that we do not need boats engaged in transportation to make a waterway a real success. That being true from his viewpoint, it is not to be wondered at that he should make that recommendation.

Mr. GALLINGER. I will not say that it was Gen. Bixby. Gen. Bixby was succeeded by another engineer, and he in turn has been succeeded by Gen. Kingman. So I am not sure.

Mr. NORRIS. That is the Lumber River?

Mr. GALLINGER. Yes; that is the Lumber River in South Carolina. Then we come to a little river in Mississippi called the Pearl. I do not know whether they find pearls in it or why it got that name, but it is probably from the beautiful tint of the water, which is not often found in Mississippi rivers. It is proposed to give \$16,000 for that river.

This sum is for continuing improvement of the lower part of the river from Rockport 246 miles to the mouth. Up to June 30, 1913, there had been expended \$258,735.21, which had resulted in a 3-foot channel to a distance of 145 miles from the mouth, a 1½-foot channel for 10 miles farther, and no channel at all for the rest of the way.

Think of that waterway on which the Government has expended \$258,735.21, and it is proposed to appropriate \$16,000 more. They have a 3-foot channel for a distance of 140 miles from the mouth and a 1½-foot channel for 10 miles farther and no channel at all for the rest of the way. It requires a rise of the river of from 1 to 7 feet before boats of any draft whatever can be navigated to Rockport, the head of the project. They just wait until there is a rise in the river and then they start the boat. If the rise in the river does not come for a month, then I suppose the boat lies at the wharf during that time.

Almost half of the total expenditures—\$114,291.90—has been expended for maintenance of what the other half accomplished in the way of improvement. Of the total commerce of the river for the calendar year 1912, 92 per cent of the whole was logs, timber, and cross-ties, most of which could be floated without any channel at all.

And yet we have had it said on this floor over and over again that there is not an indefensible item in this bill. It is solemnly proposed according to newspaper reports to strike out the appropriation for Boston Harbor, something over \$1,000,000, and presumably to take care of these inconsequential and worthless streams.

Mr. SMOOT. Mr. President—

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. I understood that the proposition was to make the cut on the rivers and harbors of the North upon the ground that in winter they could not work on them anyhow, and to allow the full amount proposed to be appropriated for the rivers of the South because they could work in wintertime as well as in summer; that whatever cut is made in the bill should be made on rivers and harbors of the North.

Mr. GALLINGER. I had noticed that observation in the newspapers, but as I have been, contrary, perhaps, to my usual custom, scrupulously endeavoring in all these debates to keep from any partisan observations, I let the remark of the Senator from Utah go into the RECORD for what it is worth. I think it is true, however.

Mr. WEST. May I interrupt the Senator?

Mr. GALLINGER. I am delighted to have interruption. I am having a good time.

Mr. WEST. I want to ask the Senator if it is not true that it has been discussed that without regard to merit a horizontal cut be made in the appropriations for this purpose.

Mr. GALLINGER. That has been suggested, and it would be just as absurd as the proposition of a late distinguished member of the other House, Mr. Morrison, when he proposed a horizontal reduction in tariff duties. There would be in it neither sense nor logic nor anything else that could commend it to the support of any man who tries to legislate along sane lines.

Mr. WEST. I do not want the Senator to understand that I am advocating it by asking the question.

Mr. GALLINGER. No; the Senator simply called attention to the fact that it had been suggested. It has been suggested—and I think it is just as incongruous and just as absurd as the other suggestion that is being made now, and which is having the support of men very high in authority—that the additional revenue of the Government should in a large part be raised by taxing transportation, taxing the men who send the products of their farms and factories to their customers. I do not know but we have to meet that. I am sorry that I may not be here when that proposition comes before the Senate, if it does, but it ought not to be agreed to under any circumstances; and I am going to diverge just long enough to say that I hope the Congress of the United States, after it considers the bill that is to come here to raise \$100,000,000 additional revenue for the Government, will either see the propriety of putting the tax on luxuries such as I suggested the other day—tobacco, beer,



wines, whisky—or else by issuing bonds that the rich men of the country will take like they take hot cakes, and that thus no hardship particularly would come upon the industrial part of our community.

Mr. MARTINE of New Jersey. Mr. President—

Mr. GALLINGER. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. It is most gratifying for me to state to the Senator that he will not be alone in that position. I regret the necessity of additional taxation.

Mr. GALLINGER. As we all do.

Mr. MARTINE of New Jersey. As we all do; but I say, if it is to be raised, let it be raised on luxuries and not on necessities.

Mr. NORRIS. Amen.

Mr. MARTINE of New Jersey. I will stand here until the end of my term before I will vote for a tithe of a tax on a bushel of wheat or a pound of flour that shall go into a hungry man's mouth. I would not do it on any consideration. A tax on transportation is a tax on food.

If there is anything in our idea of building up industries, it is controverted by the proposition to tax transportation. I ask, what would all our industries amount to if our products are to be clogged and closed within the walls of the factories? The process of taxation on transportation might be carried to such an extreme limit that it would be an absolute prohibition on transportation.

I do not believe, I can not believe, that the sober sense of the Senate of the United States will ever acquiesce in a proposition to tax transportation.

Mr. SMOOT. Mr. President—

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. I believe the Senator could have gone still further in what he said as to taxation upon the bread the people eat. He might have gone further and said he objects to a tax that will fall upon the coal, the fuel, that keeps them warm.

Mr. MARTINE of New Jersey. I stand with the Senator in all those things. There are so-called luxuries that have been recited by the Senator from New Hampshire that could richly and well bear the burden. I am not in favor of exempting tobacco. Some gentleman on our side of the Senate said to me it would be a monstrous wrong to impose a tax upon tobacco. He argued that that was a great product of their section of the United States; that they were in a bad condition now owing to the European war; that they were prevented from exporting to Germany, which is a great consumer of our tobacco, and Russia and some other countries in Europe which are great consumers of our tobacco, and the result was that now in the war the industry is in a stagnant condition and they can find no sales for their products. I said to him, and I say to the Senate and to all the world, I do not believe tobacco is a necessity. I have expressed myself on that before. At all events, it is a luxury; and tobacco, whisky, beer, and wines, I believe, could richly bear the burden of it all and bring an adequate income to the United States in this our crisis.

Mr. GALLINGER. Mr. President, the diversion that I indulged in has borne fruit, and I shall go to my home in a few days, unless the Sergeant at Arms detains me, and day by day will scan the CONGRESSIONAL RECORD to see whether the wise thoughts of the Senator from New Jersey, which correspond with my own crude thought, shall be incorporated in the bill.

Mr. LEWIS. May I be permitted to suggest an interrogatory to the Senator?

Mr. GALLINGER. I always yield with pleasure to the Senator from Illinois.

Mr. LEWIS. It is a source of gratification to have such a disposition disclosed toward me from so eminent a source.

I should like to ask my able friends representing New Hampshire, as well as New Jersey, what reason can either see, if we are to have this emergency tax, why the law of 1898, the stamp act which we passed in this body and in the House, in which I was then honored with membership, should not be duplicated in its exact form being sufficient in volume for raising the necessary tax. Why would not such be an equitable method and one that would be wholly just?

Mr. GALLINGER. That has been discussed as being among the possible sources of revenue. My objection perhaps is provincial. I put in the RECORD the other day a table showing that 12 Northern States have been taxed twenty times as much, so far as the income tax is concerned, as the 12 leading Southern States. A stamp tax, especially upon bank checks, will be a hardship to the industrial sections of the country, already heavily taxed. Even if it results in making tobacco and beer and whisky a little dearer to the consumer, and thereby possibly promoting the cause of temperance, I can not help thinking that that is a better system of taxation than a stamp tax.

Mr. NORRIS. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. NORRIS. I wish to suggest that probably it would make beer dearer; but it would put more foam in the beer than was in it before, and therefore it would be not only raising an increased revenue, but it would be a good thing for the consumer if he did not get quite as much beer as before.

Mr. LEWIS. Permit me to add to the subject suggested by the Senator from Nebraska, it would not only put more foam in the beer but more froth in politics.

Mr. NORRIS. It might in the Senator's section of the country. If there is any politics in a section of the country depending on froth, it might get an abundance of it.

Mr. LEWIS. I thank the Senator from New Hampshire for his response in regard to a stamp tax, and—

Mr. GALLINGER. I am delighted to be interrupted by the Senator, who is always entertaining, and if at any subsequent time in my awkward discussion of this measure the Senator feels like making a contribution so charming as he always makes in our discussions, I will be glad to take my seat.

Mr. LEWIS. I will say to the Senator from New Hampshire that I appreciate very much the suggestion he makes. I really feel the question we have to contend against is the geographical one.

I see the Senator from Utah [Mr. SMOOT] rising. Like myself he represents the West, or certainly speaks for it. It is to be said that the stamp tax will fall very heavily upon the large commercial States, and also that my own State of Illinois would have to endure a large share of it. This is the thought that I should like to suggest: Since the stamp tax is necessarily borne by those who have the largest commercial transactions, is it not, after all, a tax which will finally come from the great body of consumers?

Mr. GALLINGER. The trouble about it is that almost every citizen of the United States, of the industrial North, certainly, who has even a moderate income, has a bank account, and draws checks in payment of bills. I think it would bear quite as heavily on that class as it would on the men who do a large amount of business. That is my opinion.

The Senator from Utah rose, and I yield to him.

Mr. SMOOT. I was simply going to say that if I am to judge from the discussion I have listened to upon this subject we will have to meet in this revenue measure the same question that we met in the passage of the tariff act, and that is a sectional question, as intimated by the Senator from Illinois [Mr. LEWIS]. I was in hopes that that would not enter into the revenue measure which is intended to be passed at this session of Congress, but I am quite positive that before we get through with the consideration of it we will find that that question is at the bottom of the whole matter.

Mr. KENYON rose.

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. My friend from Nebraska [Mr. NORRIS], when he could not get the floor, made a suggestion which seemed to me to be a good one as to this taxation proposition. The high-priced cigars now bear the same tax as the cheaper cigars. Why would it not be a good idea, as he suggested, and I understand he will offer an amendment to that effect, to have a graduated tax so that high-priced cigars will pay more than those of less value. It is not fair that on the high-priced cigars, which may cost 50 cents or a dollar apiece, there shall be paid the same tax which is paid on the cigars smoked by my friend from Nebraska [Mr. NORRIS], six for 5 cents. [Laughter.] So there is great merit in that proposition.

Mr. GALLINGER. That appeals to me very strongly, and I hope when such an amendment is offered it will be agreed to. There is no reason why the rich man, the millionaire who goes out on his yacht and smokes 50-cent cigars should pay the same tax on them that the poor man at the anvil or at the plow pays on his.

Mr. KENYON. Or in the Senate.

Mr. GALLINGER. Or as some Senators pay on the brand of cigars which they use. I am not an expert on that question, but I think there is great justice in the proposition.

Now, Mr. President, I find two rivers—"Heavenly Twins," I suppose—the Pascagoula and Leaf Rivers, in the State of Mississippi, for which it is proposed to appropriate \$14,000 in this bill. I want the attention of the Senator from Nebraska particularly to this item, because the Senator is a sincere reformer and an economist and he wants just legislation. I pay him that tribute very freely, because I want to get as many Progressive votes in New Hampshire as I can muster. [Laughter.] For the Pascagoula and Leaf Rivers, in the State of Mississippi, I repeat, it is proposed to appropriate \$14,000. The improvement on those rivers cost originally \$26,019.04, and it has since cost to maintain them \$62,476.50. The contemplated appropriation for maintenance brings the cost to nearly three

times the cost of the improvements themselves. Would not that be a great enterprise for a private citizen to engage in?

Mr. NORRIS. Mr. President, I hope the Senator from New Hampshire will compare the cost of maintenance with the value of the traffic, if he has it at hand. That would be interesting.

Mr. GALLINGER. I will turn to the report for information on that subject.

Mr. NORRIS. It is similar, probably, to an item to which the Senator from Ohio [Mr. BURTON] called the attention of the Senate several days ago, where the cost of the maintenance of a dam in a river was greater, if you excluded logs and railroad ties, than the entire value of the traffic that passed through the dam. That, it seems to me, only illustrates the point further. It is a great deal better comparison, I think, to obtain the cost of maintenance and compare it with the traffic than with the original cost. I can see where there might be instances where for some reason the original cost might be very light, while the cost of maintenance might be very heavy.

Mr. GALLINGER. I have mislaid the report to which I desired to refer.

Mr. NORRIS. I will look the matter up if the Senator will give me the names of the rivers to which he refers.

Mr. GALLINGER. The names of the rivers are the Pascagoula and the Leaf Rivers in Mississippi, and the appropriations for them are found on page 37, beginning in line 6 of the bill.

I repeat that the statistics show that the improvements on these rivers originally cost \$26,019.04, and it has cost \$62,476.50 to maintain them, and it is proposed to add \$14,000 to that by the appropriation contained in the pending bill.

Then I come to another river in Mississippi—the Big Sunflower.

Mr. NORRIS. Is not that in Kansas?

Mr. GALLINGER. No; this river is in Mississippi.

Mr. KENYON. The Little Sunflower River is in Kansas.

Mr. GALLINGER. Yes; it is the Little Sunflower River which is in Kansas, and not the Big Sunflower.

Mr. NORRIS. That ought to be reversed. The Big Sunflower ought to be in Kansas.

Mr. GALLINGER. The existing project was adopted July 25, 1912, and contemplated the construction of a lock and dam at a cost of \$300,000 and open-channel work at a cost of \$50,000. Although but 2 per cent of the dam was completed on June 30, 1913, the original estimate had gone up to \$500,000, and the report of the Chief of Engineers for 1913 says:

Further study, based on data recently developed, is necessary before a definite estimate can be made.

But while that "definite estimate" is in abeyance, while this contemplated project that was to cost \$300,000 has been "jacked up" to \$500,000—and the Chief of Engineers says that nobody can tell how much it will cost until a new estimate is made—the Congress of the United States proposes to add \$90,000 more to that improvement. It is absurd.

The Bayou Teche in Louisiana calls for an appropriation of \$130,000. This appropriation is to secure a channel from 6 to 8 feet deep and 60 to 80 feet wide for 72 miles from the mouth. The total estimated cost is \$315,000. There is at the present time a channel from 4 to 7 feet deep and 30 to 60 feet wide for this distance, which would seem to be adequate for the commerce that is on the stream, and I think no further development should be made, but \$130,000 is to be voted from the money of the people to improve that stream.

Mr. KENYON. That would include some of the money to be raised from additional taxation.

Mr. GALLINGER. Yes; from the tax on transportation probably, because this is a transportation question.

Mr. KENYON. Does the Senator think that that will arouse the enthusiasm of the American people, who will pay the transportation tax?

Mr. GALLINGER. I should think it would arouse their indignation.

Now, I come to a much-discussed river, and I know that I shall have the attention of my genial friend, if he is in the Chamber; and if he is not in the Chamber, I wish he were—the junior Senator from Texas [Mr. SHEPPARD]. I refer to the Trinity River. All of you have heard of that river.

Mr. KENYON. I think when we approach the discussion of the Trinity River there should be a quorum here to listen to the Senator.

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I suggest the absence of a quorum, so that the junior Senator from Texas may reach the Chamber.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smoot
Bankhead	Gore	Overman	Sterling
Brady	Hughes	Page	Stone
Bristow	Jones	Perkins	Swanson
Bryan	Kenyon	Pomerene	Thomas
Burton	Kern	Ransdell	Thornton
Chamberlain	Lane	Robinson	Vardaman
Chilton	Lea, Tenn.	Saulsbury	Walsh
Clapp	Lee, Md.	Sheppard	West
Clarke, Ark.	Lewis	Shields	White
Culberson	McCumber	Simmons	Williams
Fall	Martine, N. J.	Smith, Ga.	
Fletcher	Nelson	Smith, Mich.	

The PRESIDING OFFICER. The junior Senator from Colorado [Mr. SHAFROTH] has been suddenly called away on account of illness in his family.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family. In his absence he is paired with the senior Senator from Idaho [Mr. BORAH].

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

Mr. GALLINGER. Mr. President, from my point of view, one of the most indefensible provisions in this bill is the appropriation for Trinity River. I voted against an early appropriation for that river, and I have been opposed to every additional appropriation for it since that time. It will be recalled that when the favorable report was made for this improvement by the Board of Engineers a suggestion was made that, if it became necessary, artesian wells might be sunk to get water for this stream. I understand they have not had to resort to that expedient as yet; but, as there is no navigation on the stream and can not be until some \$15,000,000 is expended on it, the artesian wells are doubtless held in abeyance.

Mr. SMOOT. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. SMOOT. I desire to ask the Senator if he knows whether there is any truth in the report that since the attack on the Trinity River by the senior Senator from Ohio [Mr. BURTON] there has been dug in the bed of the river a hole and sufficient water secured to drown a colored boy, and that as soon as that took place headlines appeared in the papers announcing the drowning of a man in the Trinity River?

Mr. GALLINGER. Mr. President, I am inclined to think that is a canard. It has been called to my attention. It is said they dug this hole and put the colored boy in headforemost and pulled him out dead, and then circularized throughout the country the fact that there was water enough in the Trinity River to drown a boy. [Laughter.] I do not believe that happened; I can not believe it.

Mr. KENYON. Mr. President—

Mr. GALLINGER. I yield to the Senator.

Mr. KENYON. In looking over the discussions in Congress I notice that some Members of Congress went down to view one of those rivers—I am not certain whether or not it was the Trinity River—and were met at the depot by a committee who asked them whether they would prefer to go up the river in a wagon or a buckboard. Does the Senator know whether or not that was Trinity River?

Mr. GALLINGER. No; that instance has escaped my attention. I have noticed that some wag said that at the recent election in Texas, in which the prohibition question was the issue, the only thing that went dry was the Trinity River.

Mr. KENYON. There have been so many incidents in connection with Trinity River that I am not surprised the Senator does not recall it.

Mr. GALLINGER. I have been very diligent in studying this question of river transportation for the last few years. Having found that I could not get through Congress a bill to rehabilitate the American merchant marine and to give us some over-seas trade, I have turned my attention to local transportation; but that incident escaped my attention. It may be true.

Along the same line I suppose Mr. M. J. Worth, who says he is from Forth Worth, Tex., was romancing when he gave an interview to the Washington Post a little while ago. The Senator from Texas told us when it was called to the attention of the Senate, in the first place, that he had telegraphed to Texas, and no such man as Mr. M. J. Worth could be found in the locality from which he claimed to have emigrated; but what Mr. Worth said is really interesting. Among other things he



said that an electric railroad company had endeavored to lease the bed of the river for an interurban line. I do not believe that is so; I am going to give the Trinity River the benefit of the doubt at every point. Now, let me give a résumé of what has happened since Congress was unwise enough to agree to an appropriation for the improvement of that stream.

On December 23, 1899, a report of a survey of the Trinity River was made in which a 4-foot channel from Dallas to the mouth, a distance of 511 miles, was recommended to cost as follows:

For cleaning the river.....	\$500,000
For 37 locks and movable dams.....	3,175,000
For artificial water supply.....	200,000
For bank protection.....	100,000
For dredging.....	25,000
Total.....	4,000,000

For a 5-foot channel the cost was estimated at \$4,200,000 and for a 6-foot channel, \$4,550,000. The appropriation of \$200,000 "for artificial water supply" was to be used in storing water in the upper reaches of the river during the wet season, or, using the language of the engineers, in the "sinking of additional artesian wells."

Water for a river whose improvement, according to the original estimate, was to cost \$4,000,000 was to be secured by digging artesian wells and letting the water flow into the stream. As I said a moment ago, I believe the artesian wells have not yet been dug, but doubtless they will be, if we allow this project ever to be completed.

The river and harbor act of June 13, 1902, adopted the 6-foot channel project, to cost \$4,550,000. Up to and including the river and harbor act of March 4, 1913, there had been appropriated for this project \$1,952,287.

Mr. WEST. Mr. President—

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. WEST. Has the Senator any figures as to the amount of freight that is transported on that river?

Mr. GALLINGER. They are not transporting any freight or anything else on it; they can not transport anything until they get the entire project completed. I will call attention to that. The money which we have expended on that river up to the present time is dead money; there is no income from it.

Mr. KENYON. Mr. President, does not the very fact the Senator has now suggested illustrate the vice of this whole system of river and harbor appropriations? We provide for 1 lock and dam or 2 or 3 locks and dams, and authorize a project calling for 10 or 12.

Mr. GALLINGER. Thirty-seven in this case.

Mr. KENYON. Thirty-seven. Then, it is said "we have gone to the expense of constructing two or three, and it would be a waste of money to stop now."

Mr. GALLINGER. Certainly.

Mr. KENYON. So we go on with this dribbling process that, in some cases, runs for some 30 years.

Mr. GALLINGER. Three of the total of 37 locks and dams have been completed; 4 others have been authorized, and 2 others have been located. An additional dam has been completed at Parsons Slough. The locks have never been used, on account of the unusable condition of the river below Lock and Dam No. 1.

The Report of the Chief of Engineers for 1913, page 2294, part 2, says:

In connection with the consideration of the project—

That is, the project for this river—

attention is invited to the fact that the project can not be completed within the estimate, and that its cost will be from 100 per cent to 130 per cent greater than the original estimate.

This means that under the revised estimate the cost will reach from \$9,100,000 to \$10,465,000. Moreover, none of this amount, if expended, will be of benefit to the public until it is all expended. I quote further from the Report of the Chief of Engineers for 1913, page 2293, part 2:

There is little or no commerce on Trinity River above about mile 6, except the handling of timber products, which extends to about mile 30, and logging operations which extend to about mile 150. No commerce can be expected above Liberty (limit of tidal action) until the river is completely canalized. The work of the snag boat and quarter boats above Liberty is of no benefit except to prevent further deterioration of the channel and to improve the drainage.

The report of the Chief of Engineers continues:

The appropriations which have been made so far by Congress for the Trinity River seem to indicate an intention to provide locks and dams in section 1 (miles 463-512) and at the points below, where the greatest obstructions to navigation exist, relying temporarily upon open river navigation between the pools thus created.

The normal flow of the Trinity River (for eight months per year) is so small, however, that open river navigation between pools is not feasible, and until the river is completely canalized no practical navigation will obtain.

Navigation, to be of value, must be either constant or of periods whose extent and occurrence can be depended upon. These conditions do not prevail on the Trinity River above tidal action (about mile 40).

To consider the improvement of this river in other light than that of complete canalization is not justified by the available water data.

It is thus seen by the official report of the Chief of Engineers that until about \$10,000,000 is invested in this improvement it will not yield a cent of return to anybody.

I wonder what private individual or private concern would think of tying up \$10,000,000 for probably 20 years and getting no interest or dividends from the investment; and yet that is what the Government of the United States is doing in this case, and it proposes to continue that nonsense at a time when the revenues of the Government are deficient and when unusual taxation must be resorted to to meet the wants of the Treasury.

Not only is this enormous amount of money tied up without any return coming into the Treasury, but we have been spending a very considerable amount of money, hundreds of thousands of dollars, I have no doubt, covering the period that this work has been going on, in maintaining the work which has been done. In addition to this, the cost of maintenance of that part of the project already completed is large, and if the total estimate grows in the future as it has since the original survey was made, it is safe to say that \$15,000,000 will be sunk in this scheme to produce a mere 6-foot channel to a city of about 95,000 people before a return of a dollar is realized.

The House of Representatives, acting upon the advice, I have no doubt, of the Board of Engineers, put in this bill \$205,000 toward continuing this work, but the diligent Senators from Texas were not satisfied with that and they secured an additional appropriation of \$50,000 over that allowed by the House. If they had secured five million or six million dollars to complete this project as speedily as possible and in that way possibly get some return from the investment, there would have been much more sense in it than to dribble along and appropriate a couple of hundred thousand dollars a year for a project which is going to cost, in my honest opinion, \$15,000,000 before it is completed.

It occurs to me that, considering the large expenditure on this apparently worthless river, the item should be stricken from the bill and the money which has already been expended be relegated to the limbo of forgotten things. If that action should be taken Texas would not suffer greatly, as that State has 18 other projects in this bill, carrying large appropriations.

I might say, Mr. President, a great deal more about Trinity River, but it has been discussed so often in both Houses of Congress and in the newspapers of the country, and defended always with great vigor, earnestness, and eloquence by gentlemen representing that great State, as it will be defended to-day, I have no doubt, that I forbear. The figures and the facts speak for themselves; and if Congress, in its wisdom or unwisdom, thinks it wise to go on and spend \$15,000,000 on the Trinity River in Texas, the taxpayers in New Hampshire probably will not find any fault when they come to pay their proportion of it, because they will never know anything about it.

One other appropriation for the State of Texas is worthy of a moment's notice, as it points a moral that ought not to be lost sight of. I wish to say, in passing, that I do not oppose this appropriation at all, but I desire to say a word along another line in connection with it. Notwithstanding the fact that three years ago, or thereabouts, I threw up my hands and made up my mind to do nothing further toward trying to get an appropriation from the Government of the United States toward restoring our flag on the oceans of the world, I have reconsidered that conclusion, and am going to take every opportunity that offers to point to the fact that this cry of "subsidy" and "shipping trust" whenever a suggestion is made that we ought to restore American ships to the oceans of the world ought not to be made, in view of what we are doing in less meritorious lines in the matter of making appropriations for other things.

It will be observed that for the improvement of waterways in the immediate vicinity of Galveston the bill carries \$235,000. The House bill protected the Government to the extent of providing that no expense should be incurred by the United States for acquiring any lands required for the improvement; but in the spirit of extreme caution, and lest the State should be asked to contribute something toward this project, the Senate committee struck out that provision. In the report of the Chief of Engineers for 1913 it appears that the following appropriations have been made for Galveston Harbor and adjacent waterways:

Galveston Harbor.....	\$11,383,000.00
Galveston Channel.....	1,720,000.00
Channel from Galveston Harbor to Texas City.....	1,110,000.00
Channel to Port Bolivar.....	291,080.00
Galveston ship channel and Buffalo Bayou.....	3,449,638.90
Total.....	17,953,718.90



Mr. President, I am not ignorant of the great commerce that goes out from Galveston Harbor. I am not ignorant of the great sacrifices that the people of that city made when inundated, nor of the liberality with which they contributed money with which to protect themselves from another disaster. I do not find fault with the appropriations for this harbor any more than I find fault with the appropriations for the other great harbors of the country; but I suggested that a moral might well be drawn from these large appropriations. The moral is that the foreign commerce going out of Galveston is exclusively carried in foreign ships, with the single exception of one schooner, which carries the American flag. In view of the subsidies that are scattered throughout the appropriation bills of the present session—notably the Agricultural appropriation bill and the bill now under consideration—Senators may well ask themselves the question whether it would not be wiser to assist American shipping as foreign nations assist their shipping, so that after having expended \$15,000,000 on a harbor the American flag might be seen at the masthead of some steamships transporting our products to the markets of the world.

On that point, if I should be here—which I fear I shall not—when this bill is finally considered, I would have something further to say before the debate closed; and I should also advocate an amendment which I have offered and had printed to this bill, which would do something in behalf of restoring American shipping to the great oceans of the world.

Mr. President, in traversing the ground that I have, in calling attention to the small, insignificant, and, as I think, worthless streams for which we are appropriating money, I am surprised that we have not paid some attention to the city of Washington. Before my advent into public life there was a Tiber Creek that ran along at the foot of the Capitol Park, where the Peace Monument now is, going westward, as I remember. That has been filled up and obliterated. Just think what a splendid thing it would have been if they had improved Tiber Creek so that Senators could have had house boats on it, so that the poor Senators might have enjoyed that luxury as the rich Senators are enjoying their yachts on the ocean! And why would it not have been desirable so as to furnish competition in the matter of transportation with the Capital Traction Railway? It would have been just as sensible as a great many of the other appropriations in this bill.

Then there is Rock Creek. Why not improve Rock Creek? The appropriations in this bill are made largely to haul wood and lumber. They say they will have to haul it by wagon unless we appropriate the public money for it. Why, Mr. President, there have been hundreds of cords of wood piled along the roadways of Rock Creek in the last year which were hauled to market by wagon. Why not dig out Rock Creek, and put some steamboats on it, so as to accommodate the people interested in that industry?

Mr. President, I had intended to take up the Mississippi River and the Missouri River; but I have talked longer than Senators have cared to have me, and I feel that I have perhaps fully discharged the duty that I felt incumbent upon me in the discussion of this bill. I had intended to call attention to Elk Point, to Glendive, and to the levees, as will be found on pages 53, 55, 95, 107, 115, 133, 193, and 338 of a report made by the senior Senator from Minnesota [Mr. NELSON] in behalf of a commission which was appointed to investigate the matter of transportation on the Mississippi River in the year 1898. That commission acted under the authority of a resolution two items of which read as follows:

Whether the present system of improving the Mississippi and Missouri Rivers under which it is sought to confine the water within the banks of said rivers, by means of levees, and by such levees, together with jetties at different localities, to increase the erosive power of the current so as to protect the banks and deepen the channel, should be continued.

Whether the Mississippi and Missouri River Commissions should be continued in existence, and, if continued, what amendment should be made to the statute creating such commissions and defining their duties and powers.

That commission, Mr. President, was composed of several Senators—the Senator from Minnesota [Mr. NELSON] being chairman, and Senators Elkins, Vest, McBride, Berry, and Caffery were also members of it, and I was honored with a place on the commission. Our investigations were not very favorable to the appropriations that are being made for the Mississippi and Missouri Rivers on the ground of taking care of commerce, because as a matter of fact we did not find any commerce worth talking about on either of those rivers, and the report recommended the abolition of the Missouri River Commission, which I believe was carried out; but, notwithstanding that, large appropriations are being made in this bill for that river, and I suppose they will continue to be made as long as time lasts. They are not made for the development of commerce, however, or to take care of

commerce. They are made almost wholly to protect private property, which in time of flood is damaged, if not entirely destroyed.

I feel justified in saying that the conclusions reached by the members of that commission were that the commerce of those streams was a negligible matter, and it was seriously questioned whether the interests of navigation justified the continuance of large appropriations, yet this bill contains appropriations aggregating something like \$11,000,000 for the Mississippi, not counting the appropriation for the Passes, and \$2,500,000 for the Missouri River.

One other matter is worthy of consideration, and that is that at that time, in the year 1898, there were 18 damage suits filed against the Government on the ground that the levees constructed by the Government had thrown the water to the opposite side of the stream and damaged private property to the amount of \$656,337.04. I understand that the number of those suits has been greatly increased since that time, and I apprehend that there are a million or two dollars of claims lodged in one of the departments of the Government now by the people who assert that the Government, by the construction of those levees, has damaged their property. I am not clear in my own mind that there is not some merit in the claim they make and that they ought not to be compensated. The practical workings of the system have been that the money expended by the Government has protected land on one side of the river, adding enormously to its value, while on the other side it has resulted in damaging to a large extent or destroying private property.

We have made enormous appropriations for the Mississippi River, and I am ready to vote for still further appropriations to a very large extent if any comprehensive scheme shall be devised whereby some reasonable hope is held out that we can control the waters of that mighty stream. I hold in my hand a document, No. 462, being a letter from the Secretary of the Treasury, dated April 4, 1914, in which he gives as the aggregate amount that we have appropriated for the Mississippi River \$137,429,290.54; for the Missouri River, \$13,056,685.19; and then there are improvements within the limits of two or more States for the Mississippi River of \$95,720,206.90, with \$4,000,000 supplemental. So it will be observed that the expenditures for that great river have been very large and reasonably generous.

The Senator from Nevada [Mr. NEWLANDS], who takes a large view, sometimes rather a startling view, of the duties of the Government in the matter of making appropriations for the waterways of the country, has introduced two bills, which I thought I had at hand, but which have escaped, in which, if I remember correctly, he proposes to appropriate something like \$600,000,000 to levee completely both banks of the Mississippi River, and hence prevent overflow in time of flood. I would rather vote for that than to have these dribbles that we are voting, even though we are giving ten or twelve millions in this bill to the Mississippi River to build levees on one side of the river to flood the other side, resulting in damage suits against the Government.

Mr. President, I had intended to analyze this bill much more thoroughly than I have, but as several other Senators are desirous of discussing the measure, I will content myself by commending to the serious attention and consideration of the Members of this body the following words from a great American newspaper, published in a State largely interested in river and harbor appropriations. The paper says:

Mud flats, trout streams, frog ponds, and waterways down which a fairly good-sized sledge might find difficulty in floating are all comprised in the scandalous rivers and harbors appropriation bill already through the House and about to be acted on by the Senate. Thus are really great enterprises halted and denied proper attention.

But it isn't with the tadpole pools that we are going to deal to-day. Extravagance does not begin and end with them by any means. For sheer and indefensible squandering of millions commend us to the Mississippi River. For instance, take that section of 206 miles that lies between the mouth of the Missouri and the mouth of the Ohio.

In 1881 work on that section was begun, and the estimate was that \$16,000,000 would see it finished. The amount expended up to date is \$17,000,000, and the present estimate calls for an additional \$17,250,000. For such an outlay something of real importance to commerce ought to result. But the freight tonnage on that section amounts to only 250,000 tons annually.

No one can object to proper appropriations for the Mississippi—appropriations that will be expended for the control of the river in its lower reaches. Flood damage must be stopped, and an enlightened plan would comprise the conservation of the water, laden, like that of the Nile, with rich soil, and for its diversion for irrigating purposes. But the millions demanded by the 206 miles referred to do not regard conservation or flood prevention so much as they do channel depth. And yet there has been, according to Senator BURTON, an average depth of 8 feet of water for some years. And that is quite sufficient for all practical transportation purposes. That is as much depth as the average channel of the Rhine possesses, and yet the Rhine carries a tonnage of 40,000,000 annually as compared with the paltry 250,000 of this Mississippi section.



There is no need whatever for a deep channel for the Mississippi. Transportation on that river, if done at all, must be carried on by the barge system that prevails on the river system of Germany. Every dollar, therefore, awarded to the Mississippi for anything save flood control and conservation is a dollar wasted.

Perhaps some time river and harbor development will follow a well-desired plan free from the appropriation-grabbing proclivities of Congressmen. Until then we can hope for nothing more than a vicious "pork barrel" to satisfy greed.

The utterance that I have just read is being echoed and re-echoed by a large proportion of the great metropolitan dailies of the country, deprecating the proposed legislation unless the bill is shorn of many of its most objectionable features.

Let us give heed to the caution conspicuously displayed at some railroad crossings, "Stop, look, listen!" before proceeding further, in the hope that the second sober thought of the American people may save the taxpayer from another similar raid on the Treasury of the United States.

How better can I close than to once more place in the Record the declaration of the national Democratic convention on the question of economy, which declaration has been ruthlessly disregarded, but which can be partly atoned for by saving to the taxpayers the unnecessary appropriations contained in this bill? In a long recital of what a Democratic Congress had accomplished, the platform says:

And it has passed the great supply bills which lessen waste and extravagance, and which reduce the annual expenses of the Government by many millions of dollars.

And then, under the head of "Republican extravagance," the following gem will be found:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a Democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Mr. President, I want to appeal to my Democratic friends to live up to the promises of that platform. I am willing to help them to do it. I am willing to help them to lessen, by economy, the deficit that it is said must be provided for by war taxes at the present session of Congress. If they will do that, the controversy that is now raging in this Chamber will disappear, and a fair and equitable river and harbor bill will speedily pass this body.

Mr. President, I owe an apology to the Senate for occupying so much time; but the subject is one that has greatly interested me, and I am honestly of opinion that this discussion, however inadequate it may have been on my part, will result in having this bill redrawn, and many of the useless appropriations that are in it stricken out. That is my hope, and really it is my expectation.

Mr. FALL. Mr. President, I have no intention of discussing this bill at great length or in detail. The discussion has already proceeded for days and weeks. I wish to call attention, however, to a matter that strikes one who has not taken much part or any part in the discussion until this moment.

There has been much said about extravagance in appropriations. I have listened with interest to the Republican pot calling the Democratic kettle black; and I think, Mr. President, that our Democratic friends can well believe that they deserve what has been said, because for years they have been proclaiming to the voters throughout the country that the Republicans were extravagant in their appropriations, and that they, the Democrats, were going to bring about an era of economy. It is appropriate, now, that our Republican friends, who have been so roundly abused in the past, should call attention to the fact that our Democratic friends, when they have power thrust upon them, find themselves unable to entirely stem the progress of this country, and that the realization is brought home to them that this country is growing all the time; that it is more than a billion-dollar country; that they were wrong. They should make the admission frankly and openly that they had been wrong in the past, and, I think, promise that they will not be guilty again, at least without better cause, of accusing the Republicans of extravagance and lack of economy.

Those things are all right, Mr. President, for political campaigns, and it is perfectly proper that they should be discussed here, I suppose, in making ammunition for the campaign which is coming on.

But with reference to the appropriations for rivers and harbors I do not look upon objections to the general scheme of appropriations of this character as do some of those who are most strongly opposing the passage of this bill. The great support which those objecting to this bill are obtaining from the country is from those who are not opposing particular items in the bill as extravagant, but who are opposed to the general system of improvement of rivers and harbors. The

newspaper support, the magazine support, is given to those who are here opposing the enactment of this legislation for the passage of these appropriations very largely by those who, for one reason or another, are opposed generally to the system of Government improvement.

Mr. President, we hear exactly the same objections that are urged against this bill urged against the public-buildings bill, for instance; exactly the same objection that there is "log-rolling"; that one of us gets a little post office in some unimportant town in the South or in the West by agreeing that some other Senator or Congressman shall have an appropriation for a building in his little town in the Central States or in the East, and therefore that it is all a "pork barrel," and that each man is dipping in and getting all he can of the people's money. Mr. President, I have not attempted to make the calculations, but I say without fear of successful contradiction that every dollar of money which has been invested by Republican or Democratic administrations in the public buildings in the United States would to-day pay 100 per cent upon the investment.

That in some instances possibly too much has been paid for public buildings, that in some instances public buildings have been located where they should not have been located, is doubtless true. It is perfectly legitimate to criticize, as have the Senator from New Hampshire, the Senator from Ohio, and other Senators who have spoken here, particular items in such a bill, but the strength of their support in objection to this bill comes from those who without discriminating are opposed to the general system.

Now, as to the general system itself, I believe in it. We speak of the great wealth of this country. We publish statistics and hold out to the world that we have \$150,000,000,000 of wealth in the United States, that it is the wealthiest country on the globe to-day and the most prosperous country. In arriving at those figures the value of the rivers and harbors of the United States is not taken into consideration. As a matter of fact, the value of the undeveloped resources of the United States—its great coal fields which are not developed or measured, the undeveloped oil fields—is not taken into consideration. The great natural wealth of Alaska is not embraced in those figures. The development of such wealth by individual efforts, by holding out inducements to individuals to render such undeveloped wealth productive, or by rendering it productive and dividend paying, is the business of the Congress of the United States. Every item, of course, should be carefully scrutinized in such a bill as this. But to say that a business corporation owning the Mississippi River should not proceed to develop that great waterway and protect its banks by levees, to dredge and straighten its channel, and to keep it in a condition where commerce can be pursued advantageously—to say that this country as a corporation owning the river should not proceed to develop it is not economy, but it would be the very poorest kind of business.

Mr. President, what would the Mississippi River be worth to some great private corporation? Untold billions of dollars could be received for it to-day if it were offered for sale by this Nation, and the corporation purchasing it would proceed to do what the Congress of the United States has been doing in the past—develop it as a business proposition to the advantage of the people of this great Nation and consequently of the Nation itself.

These investments—because they are investments—it seems to me, should be considered from this standpoint and from the standpoint also that the navigable streams, the rivers and harbors of the United States, can not be touched by the people of the States. They belong to the Nation as a whole. Then, if it is necessary to improve them, of course it is necessary to come to Congress with a proposition for their improvement. If appropriations are necessary or are called for, we are compelled to come to the Congress of the United States to secure those appropriations.

Mr. President, each of the appropriation bills of this character for the development of the resources of this Nation should be considered upon a business basis. In private business, in great development corporations, mistakes are made. Money is put in where it does not yield an adequate return. That is true. That is unfortunately doubly true, possibly, in matters of this kind coming before the Senate of the United States, where there are 96 directors handling the business of the people of the United States.

But this matter of river and harbor improvement is the business of the United States. It is the business with which we must deal. To say that we should cut off appropriations of this character, that we should cease to make improvements, is a

ridiculous proposition to make to any business man, and it would be generally so regarded. But yet the strength of the opposition to this particular bill comes from that very source. There are writers now in the magazines and newspapers telling of the fact that traffic has not increased on the Missouri and the Mississippi and the other great streams. That is unfortunately largely true in spite of the enormous amount of money which has been expended by Congress in the improvement of those streams. It is not due, however, as some would have us believe, to the fact that Congress has improved the streams; it is due to other causes entirely, and, in my judgment, very largely to the fact that in regulating railroads, in arranging freight rates, and in regulating rates the theory of water competition has governed. So soon as we in the matter of railroads and the regulation of their rates do away with that idea of water competition, just at that time, in my judgment, you will see the commerce upon the great international and internal waterways of this country begin to increase.

At this particular time, Mr. President, we should undoubtedly hesitate to increase the appropriations even for necessary business purposes. We should scrutinize closely the items of an appropriation bill of this kind, and where evidently the appropriation is unnecessary, or where there is great doubt as to the eventual usefulness or the profitable return to be derived from the appropriation, we should possibly eliminate or lop off such appropriations. But this is not a time when the United States Government should cease its internal improvements and throw out of employment, in addition to the hundreds of thousands of unemployed to-day, 150,000 other people, making it necessary for them to find their support in some other line than that in which their efforts have been directed heretofore.

With these few observations, Mr. President, upon the general line I want to call attention specifically to one instance in which the hands of the people of at least two States are absolutely tied with reference to one of the waterways of this country. In the instance to which I shall refer the Congress of the United States has gone further than in any other of which I have knowledge, in taking over entirely not only the supervision, the management, and the control but the actual ownership of the stream and of all its tributaries, and it has by affirmative legislation and by a delegation of power precluded the people of two States at least from even utilizing to any extent whatever the waters of the tributaries of that stream.

I introduced an amendment to this bill a short time since providing for an appropriation for the Rio Grande in my State of New Mexico. That amendment was referred to the committee. I do not notice the chairman of the committee in the Chamber, but the Senator having charge of the bill is present, and I should like to call his attention to some of the facts bringing about the peculiar condition which we are in in New Mexico. I want to call the attention of Senators to this condition as emphasizing what I have said generally as to the duty of the National Government in appropriating for streams which are peculiarly and solely within its control and in its actual ownership.

Mr. President, the Rio Grande is something like 2,500 miles in length, rising in Colorado and flowing through the southern portion of that State, dividing New Mexico, and forming the boundary line of Texas and old Mexico. It is an interstate stream, an intrastate stream, and an international stream. We have had more than one treaty on the subject of the Rio Grande, and we have had more than one act of Congress upon the subject; and, Mr. President, we have legislation upon this subject which was never enacted before in the history of the Government. We have had two States brought into this great Union in contravention of the terms of the Constitution of the United States. The people of New Mexico and Arizona, under the enabling act, were forced to relinquish to the Government of the United States the control of all the waters within those great States. No other State in the Union came in under these onerous conditions. We who had been fighting for statehood for 60 years, although we became a portion of the United States under a solemn treaty, and under the terms of that treaty, under the proclamation of the President of the United States, and by the proclamation which Kearney issued, signed by the President of the United States, to the people of my State when they swore allegiance to the United States, the people of New Mexico did so under an absolute promise of immediate admission to the Union. We were denied that for 60 years. During that time we were legislated for as a province. We were governed by the departments. It has been almost impossible, although New Mexico has been a State for two years, to convince some of the clerks in the Interior and other Departments here in Washington that we are not peculiarly under their jurisdiction. Governors and other State officers were sent to us from your different congressional districts. When you happened to have some man whom you

wanted to favor and get out of your jurisdiction, you sent him to New Mexico or to Arizona.

You continued to deal with New Mexico in the same way by your legislation. You brought into the United States under a pledge of citizenship, under a pledge of immediate admission to the Union, some 90,000 alien people, not speaking your language, knowing very little of your customs or your laws or your Constitution. Not one dollar has been given those people from that day to this for public-school purposes or to assist them in any way to become worthy citizens of the United States. They have so become, but it has been by individual effort, working for their own salvation, not only without help from the Congress of the United States but under the burden of adverse legislation enacted by the United States, and a government foisted upon us through the departments of the United States Government. Nothing have you done for the people of my State. You have sent hundreds and thousands of teachers to the Philippines; you have provided for public-school systems in Porto Rico at Government expense; you have expended millions of dollars for building up the American idea among those people, but not a dollar for the people of New Mexico. A Senator has asked me if we do not get the school sections 16 and 36. We do since we have entered statehood. Prior to that time we did not, until 1893.

Mr. President, I want to call attention specifically to the facts by reciting the history of an attempt to utilize the Rio Grande by the people of the State, then the Territory, of New Mexico. I ask the attention of the Senators whose onerous duty it is to remain here during the discussion of some portions of this bill to these facts, because I am insistent upon the fact that we are now entitled to some little consideration.

In 1896 the people of New Mexico undertook, through a corporation organized under the laws of that Territory, to provide to some extent for the needs of those on the lower Rio Grande in the matter of irrigation. For a great many years the waters in the Rio Grande were growing beautifully less every year. For hundreds of miles thousands of acres of land which had been in a high state of cultivation, and for the acquisition of which this Government had paid more than \$10,000,000 in 1854 to Mexico, had reverted back to underbrush and sagebrush.

The Government of the United States would not help the people of New Mexico and they sought capital with which to help themselves. They were successful in obtaining this capital. At that time we had not what is now known as the reclamation system in force for the irrigation of the arid lands, but we had inaugurated the policy which led up to the final enactment of the present reclamation law. The Director of the Geological Survey caused, under the authority of Congress, to be surveyed in the West numerous reservoir sites upon which the Government was to be asked later to establish reservoirs to assist in irrigation. Congress not being at that time ready to follow out this system, it was inaugurated by corporations organized for the construction of such reservoirs. Congress enacted legislation by which individuals and corporations might acquire reservoir sites so withdrawn by the Government under the report of the Director of the Geological Survey.

One of those reservoir sites so withdrawn and by act of Congress subsequently thrown open to acquisition by private individuals was that which is now known as the Elephant Butte Reservoir, on the Rio Grande. Capital was obtained by the efforts of citizens of New Mexico for the construction of what is now known as the Elephant Butte Reservoir and a corporation was organized.

The law of Congress and the rules and regulations of the department were complied with by that company. Under those rules and regulations and the law all that was necessary was that a corporation seeking to acquire one of these sites should cause its surveys to be made, and it might avail itself of the surveys made by the Government. Then plots or maps were to be made, and those maps with the field notes filed in the local land office, and sent here to the General Land Office for approval; and upon approval the construction was allowed to proceed. Upon obtaining this title to the reservoir site and upon securing the necessary funds, work was sought to be commenced by the Rio Grande Dam & Irrigation Co. upon this reservoir. More than \$150,000 was spent in inaugurating this work. The parties had done everything which the law of the United States provided they should do. They had complied with the law in every respect. The maps, plans, and field notes were approved by the Secretary of the Interior.

The War Department of this Government sought the advice of the Department of Justice to know whether these individuals could not be estopped, whether they could not be enjoined by the Department of Justice. An opinion was handed down by the Acting Attorney General to the effect that the Rio Grande was



a navigable stream; that no permission had been obtained from the War Department, which has jurisdiction of the navigable streams, and that an injunction would lie to prevent the construction by these individuals of the reservoir in New Mexico. The injunction was sought and it was granted. Trials were had. The injunction was dissolved. The case was appealed to the Supreme Court of the Territory of New Mexico and the judgment of the lower court in dissolving the injunction was sustained. An appeal was taken by the Government to the Supreme Court of the United States, and the Supreme Court of the United States for the first time announced definitely the doctrine that this Nation has jurisdiction over any stream in any State which at any portion of its length is a navigable stream; that the Government has the power to enjoin in the State of Colorado or the Territory or State of New Mexico the construction of such a reservoir on that portion of the stream which was 1,400 to 1,800 miles from any navigable portion; that it not only had the right and the power to enjoin such construction upon the main stream itself but upon any tributary to that stream, although the tributary was entirely within the boundaries of the State.

The Supreme Court of the United States by this decision practically confiscated the property of the individuals whose rights had been obtained under the law of Congress through the Department of the Interior, and their money was of course entirely lost; the project was a failure.

Mr. President, I will not take the time to recite or to read the opinion of the Supreme Court of the United States in the case of the United States against the Rio Grande Dam & Irrigation Co., but I will simply call attention to the fact that it is reported in One hundred and seventy-fourth United States, and I should like to call attention particularly to the language used on pages 707, 708, and 709 of that opinion.

Now, remember the Rio Grande in this same decision by the Supreme Court of the United States was declared to be a non-navigable stream above Roma, Tex., 300 miles from its mouth in the Gulf of Mexico, and that the court decided that the Supreme Court of New Mexico and the lower court of that State were justified in taking judicial cognizance of the fact that the stream was not a navigable stream within the Territory of New Mexico. The Supreme Court said that they would themselves take judicial notice of the fact that it was not a navigable stream for any general navigable purposes, but added that under the act of Congress of 1890 any structure upon any portion, upon the headsprings of a stream, which might tend to lessen or interfere with the navigable capacity of that stream at any point where it might be navigable—any such stream and the headspring of any such stream was under the jurisdiction of the United States.

Mr. NORRIS. Mr. President—

Mr. FALL. I yield to the Senator.

Mr. NORRIS. I am very much interested in the Senator's argument and in his statement of the doctrine laid down by the Supreme Court. I wanted to get his judgment on the effect of it. I know he is much more familiar with it than I am. The doctrine laid down in that case, carried out logically, would in effect place the War Department in control of practically every stream and every creek in the United States, would it not?

Mr. FALL. Undoubtedly.

Mr. NORRIS. So that it would be difficult, with a few exceptions perhaps along the Canadian border and perhaps in some other similar cases, to find a stream that did not flow into another stream that was somewhere a navigable stream.

Mr. FALL. Certainly. The Supreme Court comments upon that. The logic of the decision of the Supreme Court of the United States in this decision—and the case came to the Supreme Court the second time—is to that effect; that of course the United States will not interfere with any cases where the structure or the work, whatever it might be, might not interfere with the navigable capacity of the stream for some distance, but the jurisdiction is affirmed. In other words, if the War Department at any time chose to prohibit the building of a foot-bridge across the Trinity River in Texas, even before jurisdiction over that stream had been yielded to the United States in asking for appropriations to render it navigable, the War Department could have prevented it under this doctrine.

Mr. NORRIS. I take it that there would be a difference between the building of a bridge such as the Senator mentions and building a dam or some obstruction to the flow of the water.

Mr. FALL. There would be, in fact; but I am speaking now of the jurisdiction of the War Department. If the War Department could say that by building the bridge the building of it would interfere with its navigable capacity somewhere below,

the court would prohibit the building of the bridge. But owing to the fact that the War Department might not make such a statement or the fact that it could not be proven that it would interfere with the navigable capacity, the suit might fail; but, nevertheless, the jurisdiction to question the right to build the bridge remains in the War Department.

Mr. NORRIS. I had not supposed that the doctrine had gone so far as that.

Mr. FALL. No one else had, Mr. President.

Mr. NORRIS. I had not supposed that it would apply to a bridge constructed across a stream at a point where it is admitted it is not navigable.

Mr. FALL. No such facts have ever been presented or decided in any case. Of course I presume the facts would be decided, then, against the contention of the War Department.

Mr. NORRIS. Of course there is a difference between doing that and constructing a dam at a certain point.

Mr. FALL. Certainly; and we realize that. The court, I think, very clearly shows the application of the doctrine which they invoke. Prior to the decision in this case the courts of California had in the Débris cases gone to the extent of prohibiting hydraulic mining on the nonnavigable streams which were at some portion navigable, on the ground that the floods washed the tailings down into the navigable portion of the stream, and although the obstruction itself was upon the non-navigable waters, the result of the work or the obstruction there was to render the waters to a certain extent less navigable below.

That doctrine had not been laid down by the Supreme Court of the United States, but by the Circuit Court of California. By the legal fraternity generally, and particularly those who are familiar with the legislation of 1866 and subsequent legislation and the customs of our western country with reference to prior appropriations of water in irrigation, that doctrine had been very strongly questioned; it was not regarded as fixing absolutely the law; but in the case reported in One hundred and seventy-fourth United States, construing the legislation of 1890, in which the words "any structure tending to affect the navigable capacity of a stream" are used, the Supreme Court finds, as a matter of fact, that such a structure as the Elephant Butte Dam might tend to decrease the "navigable capacity of the stream."

Mr. BURTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. I do.

Mr. BURTON. I should like to ask the Senator from New Mexico, for whose legal judgment I have the highest respect, how could Congress or the Federal Government exercise its paramount control over commerce, and, by inference, over navigation, without reserving or assuming to itself the right over nonnavigable portions of a stream and its tributaries, as laid down in the Rio Grande irrigation case? Suppose you have a stream in which it is contemplated that for purposes of navigation a certain depth and a certain volume of water is to be maintained, and the right exists in a State or in a private corporation to divert the waters of its tributaries, to exhaust them for a water supply, for example, or to use them for irrigation, how could the use for navigation be effectively maintained?

Mr. FALL. Mr. President, I was one of the general counsel for the Rio Grande Dam & Irrigation Co.; I fought this case through for some four years or more. At the time we tried that case I insisted upon the court following the unbroken line of decisions of a hundred years; that is, that the States had absolute jurisdiction and control and could destroy or use as they pleased the nonnavigable waters within their limits. I insisted upon that doctrine.

Mr. BURTON. Mr. President—

Mr. FALL. If the Senator will pardon me just one moment, I am answering his question, and I think my answer will be to his satisfaction. I insisted upon that doctrine. Upon more full consideration, however, before this decision was handed down, I became convinced that the law must be as it was finally in this case decided by the court. It was, as I have said, with great hesitancy that I brought myself to that view, but I was compelled to adopt it, and, Mr. President, in doing so I was, at the same time, led to the belief that when the United States assumed the jurisdiction, along with that jurisdiction it must assume the burden; that if it took from the people of the States the right to control their streams, it became the duty of the United States to assume the burden of assisting in developing those streams for the benefit of the people of the State or of the people of the United States.

Mr. NORRIS. Mr. President, I think the Senator's conclusion is logical, and I agree with him that his first contention was

probably illogical, although it seems to me, as a matter of public policy, it would be very much better, even if it were necessary to do so by legislation, if the theory of the Senator when he was fighting that case were made the law of the land.

I remember at the time that we had the Hetch Hetchy bill up I gave the subject very considerable attention. In looking up the various water supplies for the city of San Francisco, incidentally I ran onto the difficulty which would be encountered if it were undertaken to divert waters that eventually flowed into the Sacramento River, which was a navigable stream, and for a portion at least of its length was on the line between navigability and nonnavigability. It seemed to me, while I have no doubt the Senator has stated the law correctly, that it ought to be the other way; that the use of water for irrigation is a great deal superior to and of more benefit than its use for navigation.

Mr. FALL. Mr. President, I agree with the Senator thoroughly. Then the United States Congress to-day is confronted by the condition that where in our western country the Supreme Court of the United States and the Congress of the United States itself have recognized the law of appropriation as contradistinguished from the law of riparian rights—the law of actual user of all the water of a stream for irrigation purposes—then, irrespective of the reclamation laws, it becomes the duty of the United States to make appropriations for every necessary irrigation system in every State in the Union upon the tributary or the principal waters of any stream which in any portion of its length is navigable, or else it becomes the duty of the Congress of the United States to pass a special act allowing the citizens of such State to so utilize such water. They are precluded without it.

Mr. NORRIS. I think it would have to be admitted that the policy of Congress as to the improvement of these streams would be a matter for Congress to determine.

Mr. FALL. Exactly. Congress must act, or grant the privilege to the State.

Prior to the rendition of the opinion to which I have called attention, in One hundred and seventy-fourth United States Reports, the Department of the Interior, at the request of the Department of Justice or of the Department of War or of one of the other departments of the Government, or possibly at the request of the International Boundary Commission, or of some of its members—at any rate, the Department of the Interior of the United States, following along the litigation which the Government was bringing, issued an order to the effect that no man in New Mexico or in the State of Colorado should have the right to touch a drop of water from the Rio Grande or any of its tributaries, withdrawing the right which the people, individuals and corporations, had had. The legality or illegality of that order it is not necessary for me now to discuss; it has been discussed here in the Senate by the senior Senator from Colorado [Mr. THOMAS] at some length; but, Mr. President, whether originally illegal or legal, authorized or unauthorized, the Congress of the United States later affirmed it, giving jurisdiction over the stream to the Reclamation Service under the Department of the Interior. If the department had not such jurisdiction before, in my opinion it has it now, absolutely. It will require not a decision of a court but an act of Congress to deprive the department of such jurisdiction. Therefore, now every work of every kind or character, the straightening of the channel of the Rio Grande, the building of a levee or of a dam to prevent the cutting of a new channel—in fact, the touching of the Rio Grande in any way, shape, form, or fashion in my State—is prohibited by order of the Department of the Interior. The people who have had irrigating ditches heading in this stream, the descendants of the people who were found there 340 years ago, cannot improve the dams diverting water into their ditches; they can not touch the stream.

I stated, Mr. President, that there have been more peculiar laws and rules and regulations with reference to the Rio Grande than to any other water, navigable and nonnavigable, in the United States. On May 21, 1906, the Government of the United States entered into a treaty with the Government of Mexico with reference to the waters of the Rio Grande. By that treaty the Government of the United States promised the Government of Mexico that it would construct a reservoir within the State of New Mexico on a site which they took away from private investors—the Government itself confiscated the property—and would deliver to the people of Mexico, 120 miles below this reservoir, some 60,000 acre-feet of water per annum. The treaty was ratified by the Congress of the United States. It even goes into details as to the number of acre-feet per month during each and every month of the year which this Government guarantees to deliver to the people of Mexico. There is no guaranty that it will deliver anything to the people of the State of Texas or to the people of the State of New Mexico, who are

entitled to it by prior right; but, over and above their rights, without respect to the amount of water which they may need for the irrigation of their 180,000 acres, for the irrigation of 12,000 acres in the Republic of Mexico this Government agrees that it will construct a reservoir costing \$11,000,000, and will deliver to those people, 120 miles below, water for over 20,000 acres of land, when, to my knowledge, they never claimed water for more than 12,000 acres.

New Mexico was a Territory under the jurisdiction of the Department of the Interior and was a football for any Member of Congress who desired to take a kick at it.

I want to call attention, Mr. President, now, following the line of this exposition, to another act of Congress. There was a little question about the jurisdiction, a little question about who had authority over these streams, a little question about the upsetting of all the decisions of the Supreme Court of the United States which have been rendered with reference to the waters of the Rio Grande and the waters of other irrigation States, but it was determined that once and for all the Rio Grande should be fixed as within the sole control and power of the Congress of the United States or of the Interior Department.

On March 4, 1907, the Congress of the United States appropriated \$1,000,000, not out of the irrigation or reclamation fund, but \$1,000,000 out of the Public Treasury, as I recall—at any rate, a direct appropriation was made by Congress of \$1,000,000 to commence the construction of the Elephant Butte Reservoir in New Mexico, now known as the Engle or Rio Grande project. The act went on to provide that the balance of the money necessary for the completion of that project should be taken from the reclamation fund, and that the Interior Department should have jurisdiction over the construction of the reservoir under the reclamation law.

Under the reclamation law the Department of the Interior assumes, and undoubtedly has, jurisdiction where a reclamation project is inaugurated to protect that reclamation project, just exactly as the Secretary of War would have the right, the jurisdiction, and the power to protect a navigable stream at any point within his jurisdiction.

Still, there was a question as to the exact status of the Rio Grande in New Mexico; and after 60 years, Mr. President, of broken promises the Congress of the United States finally, in its charity—I will not say through a sense of justice—yielded to the appeals of the people of the Territories of New Mexico and Arizona and adopted an enabling act authorizing those two Territories to form a constitution, to present it at Washington for the approval of the President of the United States, and, upon his approval, to be admitted to the Union as sovereign States. There were, however, provisions in that enabling act that were never contained in any other act authorizing admission or admitting a State to the Union. Remember, that under the decisions, under the acts of Congress, and under the regulations of the Department of the Interior, the waters of the Rio Grande and its tributaries were absolutely withdrawn from any use by any individual or corporation—no one could touch them. We were a Territory; Congress could and did legislate directly for us. The Supreme Court had rendered its decision with reference to the waters of the Rio Grande, extending even into the State of Colorado. Congress had undoubted jurisdiction to legislate for the Territory of New Mexico; the Supreme Court had so decided; and of course that is an academic question not worthy of discussion.

In the enabling act Congress, while allowing us to come in, presumably as a sovereign State of this Union, compelled us to yield to Congress the power to control every drop of water within our boundaries. The State of Colorado and every other State in this Union, particularly those States in the West, when admitted into the Union adopted constitutions by which they reserved to themselves the absolute jurisdiction and ownership of the navigable waters within their boundaries. New Mexico was compelled to come here on her knees and to surrender that right to the United States, or to the Department of the Interior of the United States. This statement applies equally to the State of Arizona.

I quote from the enabling act for the two States passed June 20, 1910:

Seventh. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a Territory.

Mr. CHILTON. What act was that?

Mr. FALL. The act of June 20, 1910, admitting the States of Arizona and New Mexico to the Union upon an "equality"



with the other States of the Republic. We were forced to put that provision in our constitution; it was made mandatory that we should place in our constitution this agreement; and we are here now with that restraint upon our title, in accordance with the demands which were made upon us, with pistols, so to speak, held to our heads.

We wanted statehood; we thought that possibly if we could obtain it then we might have a hearing. We were willing to sacrifice even our honor that we might become really an integral portion of this great country. We were willing to accept our title to citizenship and to equality with you upon any terms which you might dictate, no matter how humiliating they were. This is not the only respect in which you humiliated my people and also the State of Arizona in this same act. You compelled us to put clause after clause in our constitution which was never embraced in the constitution of any other State.

This strikes at the very heart of the prosperity of New Mexico, because upon water depends our very life. Not an ear of corn, a grain of wheat, or a bale of alfalfa can be raised in the Great American Desert, which we are trying to redeem, except by the use of water for irrigation. The Congress in 1866 recognized this and decided that the law which was applicable to West Virginia and to the other riparian-right States of the Union was not applicable to the great West, and the Supreme Court of the United States decided that, as a matter of necessity, when California, Arizona, New Mexico, and Texas became a portion of the United States, we inherited in our part of the country the law of prior appropriation for a useful purpose, the measure of title being the beneficial use of water, just as you inherited in the rainfall section of the United States the old common-law doctrine of riparian rights. The Congress of the United States recognized this difference in 1866, in 1870, in 1890, in 1891, and in all of its subsequent legislation; it recognized it with reference to the desert-land legislation. You declared that the water which might be utilized for desert land should be applied for those purposes and reserved for those purposes. The Supreme Court has, as I have said, by decision after decision, recognized that as the law of the great arid West, the irrigation region of the United States; but because of subsequent legislation, thoughtlessly enacted undoubtedly, our control, recognized absolutely by the Supreme Court and by Congress theretofore, of those waters for such purposes was absolutely vested by constitutional provisions, following the terms of the enabling act, in the Government of the United States forever.

Section 7 of article 21 of the constitution of New Mexico reads as follows—I was a member of the constitutional convention of that State, and you can imagine with what shame and humiliation we were compelled to adopt this paragraph:

There are hereby reserved to the United States, with full acquiescence of the people of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled—

And so forth, just as though we remained a Territory.

We are, then, in the condition in New Mexico that the people of the State are precluded, without congressional legislation of some kind or character, from handling the waters of the stream or the stream itself without permission from some official or some one in authority in the departments. We are precluded from handling the waters of the stream itself which divides New Mexico in two parts, and which is the very lifeblood of the State.

What are the physical conditions? Why are we justified in asking Congress to do something for us with reference to the stream? I wish to call attention to the fact that you are doing nothing for us in so far as concerns granting us the right to use money for the construction of this reservoir, because, with the exception of \$1,000,000, all the money going to build this reservoir comes primarily out of the reclamation fund and is repaid by the landowners below under a contract by which they agreed first to pay \$40 per acre for a water right, and which now is rather indefinite as to just how much more they are to pay. It is not less than \$40, and how much more they do not know; but they are to pay it, so that you are doing nothing for New Mexico except allowing the Reclamation Service to advance to them, out of the sales of public lands, funds for the completion of this reservoir.

The Rio Grande flowing through New Mexico flows through canyons and over rapids for possibly 150 miles from Colorado to a point below the White Rock Canyon. Above that point it is a perennial stream, flowing at all times, and down to the Domingo Pueblo, as we call it, where some of the old aboriginal sedentary Indians still live and cultivate lands which they were cultivating when Coronado came to the country. Down to that country the Rio Grande is a perennial stream. Above the

White Rock Canyon it is used for floating sawlogs and cross-ties and for that character of navigation. Of course, it is not really a navigable stream, but it is used for that character of navigation.

In the river and harbor appropriation bill of 1912, the Department of War having jurisdiction of the general subject matter, or no one understanding which department had entire and sole jurisdiction of our streams in New Mexico, whether the War Department or the Department of the Interior, the Congress of the United States directed that a survey should be made and a report made as to the Rio Grande from the point known as Velarde, above the White Rock Canyon, to a point below the Elephant Butte Reservoir. That report has been made, and in the report—exactly, of course, as we knew who sought the survey and the report—it is stated that it is not practicable to make the Rio Grande a navigable stream in New Mexico. So far as actual navigation is concerned, it is not practicable to make it a navigable stream further than possibly to extend the distance down which sawlogs and cross-ties may be floated.

Now I wish to call attention to the report made by Col. Riché, or some portions of it:

The river changes its course constantly. \* \* \* The general valley of the stream—

He is speaking now of the points between Velarde and the sixth parallel south—

is divided into seven basins or irrigated valleys by cross divides, through which the river has cut canyons. Through the canyons the river is well confined by rocky banks to one regular channel from 200 to 400 feet wide, but is full of rapids and boulders, and the current is very swift. In the valleys below Domingo—

This is the Indian settlement below the White Rock Canyon—the banks are so low (from nothing to 3 or 4 feet) and are composed of such easily eroded alluvium that the river cuts its banks badly and becomes very wide in places and runs in a number of shallow channels. During floods it becomes very erratic and is liable to change its course entirely on the least provocation. The general width in the valleys is 200 to 500 feet, but in places this becomes one-half or three-fourths of a mile. Above Domingo, the river banks are composed of gravel and rock, and the stream is more stable. The channel depth at ordinary stage is from 6 inches to 5 or 6 feet, with deeper holes in places. The range between low and high water is 2½ to 5 feet in the valley and 5 to 15 feet or more in the canyons. Floods occur during May and June, when the snow is melting on the mountains at the headwaters. From Velarde to the lower end of the White Rock Canyon the stream is perennial, but from this point south it is nearly or quite dry during the late summer and early fall. This is principally due to diversion of water for irrigation—

Which has been going on there for untold, unnumbered centuries.

The discharge, from records of rating station, is from 350 to 15,600 cubic feet per second above the White Rock Canyon and from nothing to 33,000 cubic feet per second in the central part at San Marcial, with about the same variation in the lower valley. The general slope is about 3½ to 5 feet per mile below the White Rock Canyon and 10 feet per mile above that point.

Obstructions to navigation are rocks, rapids, sharp bends, bridges, and dams. The bridges are all fixed spans and have very little headroom, barely enough in most cases to allow the passage of a skiff. There are five railroad bridges, one combined highway and railroad, and about eight highway bridges. One dam is in place and another is being constructed.

The construction has ceased now.

All agriculture is by irrigation and is confined to the valleys above mentioned. Water is diverted from the river. The products are alfalfa, hay, wheat, corn, red pepper, fruits, such as apples, peaches, pears, cherries, plums, grapes, and all kinds of vegetables. Cattle, sheep, and horses are raised in the valleys and on the adjoining prairie lands, and a large amount of wool is exported. All products are shipped out and merchandise shipped in by rail. I have been able to get very few commercial statistics. In the valleys of the stretch of river examined there is said to be about 259,000 acres of irrigable land, which would be benefited by improvement of the river. Of this amount only about 142,000 is in cultivation at present.

The river is paralleled more or less closely by the Atchison, Topeka & Santa Fe and the Denver & Rio Grande Railroads, and the New Mexico Central Railroad enters the valley at Albuquerque. There are cross lines and branches of the Santa Fe Railroad at various points, and its main transcontinental line crosses the river just below Albuquerque.

Population of the valleys over the length examined is estimated at from 73,000 to 80,000, largely Mexican, with a good many Pueblo Indians in the upper portion. In the large towns the white element predominates and in the other parts is becoming larger as time goes on and irrigation is placed on a firmer basis.

There is no navigation on the river at present, except floating of timber in the upper reaches above the White Rock Canyon. It is very doubtful if it can be made navigable by open-channel methods, even with an assured water supply. Slack-watering of the river is also impracticable on account of lack of banks to retain pools and lack of suitable foundations for locks and dams, except in the canyons. The construction of a lateral canal is impracticable for the same reason. The inhabitants of the valley show no interest whatever in navigation. Their sole interest in the river is for irrigation, and regulation is important only so far as to control the flood waters and benefit the adjacent land. The most urgent need for regulations of the river is from Velarde to San Marcial. From San Marcial to Elephant Butte the river bed will, within a year, be covered by the reservoir formed by the dam now being built at the latter place by the United States Reclamation Service.



This reservoir will be 40 miles in length. It reaches from the Elephant Butte Canyon, as we call it, back 40 miles to the town of San Marcial.

This reservoir, it is estimated, will care for two years' inflow of the Rio Grande. For this reason the spillway will seldom overflow and floods will be so thoroughly controlled in the valley below that it is expected there will be very little further need of bank protection. From Velarde to San Marcial the State, various counties, and local parties have spent a large amount of money on the construction of pile, brush, and rock spur dikes and earth levees for the control of the river at critical points, and it is said that the financial burden of this work is too heavy for them to carry unaided.

The works which the colonel found there for the protection of the Rio Grande were either those which were constructed prior to 20 years ago, or something like that, or simply the attempts to repair those portions so constructed. There has been no new work of any kind constructed. We are absolutely under the jurisdiction of whoever represents the Department of the Interior and the Reclamation Service in New Mexico. They can prevent any interference of any kind with the Rio Grande and with its tributaries, the Rio Chama, the Rio Puerco, or any others.

The Elephant Butte Dam, which is being constructed, is, or will be, an enormous structure. I think the dimensions are 1,480 feet long at the top, 265 feet high, 200 feet thick at the bottom, sloping up, covering 41,000 acres of land, with a capacity of 2,760,000 acre-feet of water, irrigating 180,000 acres of land, creating a lake about 7 miles wide at its widest point and 40 miles in length. To construct this dam it was necessary to go down through the bed of the river to a solid foundation. The reservoir will be 200 feet deep at the dam, leaving 10 feet of the dam above high water and 45 feet of the dam below the river bed—the level of the river. The significance of this I shall call your attention to in a moment.

To get to solid rock—bedrock—upon which to lay the foundation of this great superstructure it became necessary to excavate 45 feet in the bed of the Rio Grande. There they found rock in place, bedrock, and they poured concrete for a depth of from a few inches to a great many feet, and for 200 feet in thickness and across the entire width of the excavation at that point. Upon that they are laying the superstructure of rubble concrete 265 feet in height above all.

The Rio Grande is one of those streams we have in the West where, although it may be perfectly dry upon the surface at certain seasons of the year, there is always an underflow. It is one of the underground streams, one of the streams which rises and sinks; a perennial stream down from the mountains in Colorado to the White Rock Canyon above Albuquerque; and from there down, except in flood season, a stream which sinks in the sand, rising in two or three points before reaching El Paso, not all of the underflow necessarily coming to the surface. This underflow is not through any well-defined channel of its own; it is only a seepage through the gravel and sand beds, very slow, scarcely appreciable. If you dig a trench to the underflow from the surface anywhere in the Rio Grande and throw some light substance on the water at the upper side of the opening, you will notice after a few hours that it has drifted to the lower side. There is a current, but almost inappreciable.

The overflow of the Rio Grande, unchecked as it is, has been going on for years in New Mexico, where these two hundred and fifty-odd thousand acres of irrigable land are found which are spoken of by Col. Riché. The water stands close to the surface, and by the overflow of the stream, with the capillary attraction from below, the soil becomes thoroughly impregnated with water. The straightening of the channel of the Rio Grande necessarily of itself would assist in the drainage of this land, and the drainage of at least 50 per cent of it is absolutely necessary. The only feasible method by which it can be drained is by confining the Rio Grande to a certain given channel, cutting off the bends and the crooks and allowing it an opportunity to scour out the sandy bed to 1 or 2 or 3 feet deeper, as it will do if it is confined by levees. The seepage proposition, which we have always been confronted with more or less in New Mexico, is doubly accentuated now, necessarily, at least to the minds of those who are familiar with it, by the fact that this water would necessarily flow in its slow course on down the bed, escaping finally below, except for the fact that the construction of this great dam, tying it to the bedrock 45 feet below the bed of the river, going through 45 feet of sand, will necessarily check and retard the seepage of this underflow of water, bring more of it to the surface, and render that 140,000 acres of land, which we even now are able to cultivate, less and less valuable, until its value is practically destroyed.

These are the conditions; these are the fears which we have, and certainly I think we may say they are well founded. We

can not provide for our own protection without an act of Congress. I will say to you frankly that as a matter of justice the State of New Mexico is entitled to something at the hands of the Congress of the United States.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I yield.

Mr. NORRIS. So that I may understand the Senator, does he mean that the land above the dam now will become so impregnated with water?

Mr. FALL. The land above the dam. It is, to a great extent, impregnated with water now. If I may, I will go into a little history, just for a moment.

We have been trying several times, through our legislature, to provide some method of draining these lands above San Marcial, which will be at the end of this great 40-mile lake. From there up to Pueblo Domingo, above the town of Albuquerque, for a distance of approximately 100 or 150 miles, is this great body of land which is overflowed when the snows melt in the mountains and the water comes down to the extent of 33,000 cubic feet a second, flowing in different channels over these banks 2 feet high down to nothing, as the Army officer reports, flooding this entire valley with the exception of a few of the higher spots in it. That water can not get back into the river. It remains in pools and ponds and lakes upon the land. Of course it is taken up gradually by evaporation upon the one hand and by seepage into the ground upon the other, thoroughly impregnating the ground. At the same time, by reason of the underflow of water, the channel being so shallow, or practically no channel at all, it not being confined within any given channel, but flowing through possibly 20 channels at the same time in this low valley, the channels becoming choked up with sand, the sand is impregnated with water. This water rises by capillary attraction, and the value which our lands have which is not destroyed by the overflow is practically lessened to a very great extent by the seepage from the underground flow of water.

We have endeavored in our poor way two or three times to devise some method, by appropriation or otherwise, by which we could definitely confine the Rio Grande in a given channel, so that it might scour out a deeper channel and allow the drainage from under the irrigable lands on each side to be taken off in the channel of the river.

Mr. NORRIS. As I understand, the land adjacent to this large lake that will be formed will become impregnated with water in the way the Senator states?

Mr. FALL. The land to the north, we may say, to use the points of the compass. The Rio Grande runs north and south. This great lake lies below San Marcial, if the Senator will simply bear that name in mind. It lies below San Marcial, south. From San Marcial north are these great valleys of magnificent land, more productive a hundred years ago, certainly more productive when we took the country over in 1848, than they are to-day. There lie these great lands which we now ask aid to recover and protect, and which we fear will be absolutely destroyed by the stopping of the underflow of the Rio Grande by this great dam.

Mr. NORRIS. The protection of the land will necessitate some system of drainage, will it not?

Mr. FALL. I think that can be worked out simply by a system of leveeing and confining the water to its channel. If we can confine it to one channel by levees, allowing it to scour out to even a foot more of depth, and also keeping it from overflowing, we will have 1 or 2 or 3 feet more for drainage. That is what we are asking.

Mr. WEST. Mr. President, do I understand that in this river, the Rio Grande, as it is, the water flows over the bed of it as it does in the Mississippi, where the deltas are really below the water in the river? Is that the case with this low land?

Mr. FALL. Yes; in very many instances; in fact, as to one-half, I should say, 50 per cent, of this 250,000 acres. Now, 250,000 acres does not appear to you people from the rainfall region of the United States as a great area of land. You do not realize what it means under a system of irrigation. You do not realize that as a matter of fact it means, in the produce which it will yield, from three to six times as much as if it were in the ordinary rainfall region. Properly protected, with water applied when necessary, and only when necessary, giving life to the crops when they need it, and keeping the excess water from them when it would injure them, we will be enabled to produce crops regularly to the very limit of the productivity of the soil; so that 250,000 acres to us means four times that



much, we will say, as to one of you gentlemen representing one of the great agricultural States in the rainfall region.

A portion of this very valley of which I speak, as I have said, this Government had paid \$10,000,000 for. I should like, as a matter of interest, to have some of the Senators here take advantage of an opportunity and go back to the old debates in this very body in 1851 to 1854, prior to the acquisition of the portion of the Mesilla Valley, which you will see referred to under what is known as the "Gadsden Purchase." This Government found that it had made a mistake, in the treaty of 1848, in not acquiring all that great valley; and by a more recent treaty, in 1854, it paid \$10,000,000 for this valley.

Mr. WEST. Is that valley all in the Gadsden purchase?

Mr. FALL. A portion of what we know as the Mesilla Valley. No; the balance of it came in under the original treaty of peace of 1848; but we found that we had made a mistake, as you will see by reading the debates, where some of the Senators who were familiar with it spoke of the beautiful vineyards of the Mesilla Valley, the wonders of the climate, the productivity of the soil, and I believe one or two of them referred to the beautiful señoritas.

Mr. President, I will ask if there is any item in this bill which has been under consideration which, to the mind of any Senator here, has more justification for it than the item which I ask to have placed in the bill? That is, an appropriation following and carrying out the suggestions made by Col. Riché—the report of the man who was actually in charge of the survey, Lieut. Chamberlain or Chambers, is not published—carrying out their suggestions as to the leveeing of the Rio Grande, protecting the land now in cultivation from overflow, and assisting to restore to tillable use the land which we can not till now because of the underflow seepage, or at least can till only to a very limited extent. We can raise grasses for grazing, but we can not raise the crops which we could raise were this ground drained 1 or 2 feet deeper.

In view of the fact, which I think we may assume as a fact, that the completion of the Elephant Butte Reservoir below would simply tend to render less tillable, more water-soaked, you may call it more water-logged, necessarily, these lands above. I think we are justified in asking the Congress of the United States to assist us to some extent in protecting ourselves. I have shown you that without your action, had we the necessary funds in our treasury, we could not apply them to this necessary use. Congress must act in some way to relieve us.

I want to say frankly that, in my judgment, if Congress were to act by interfering in any way with the powers of the Department of the Interior and the Reclamation Service, complications might ensue jeopardizing in some way the completion of the Elephant Butte Dam, which is absolutely necessary to enable us to carry out our treaty provisions with Mexico and do justice to the people in the Mesilla Valley and in the State of Texas and in the State of New Mexico. I frankly say that, even if the State was able to do it, it is the duty of Congress, and should be so done as not to antagonize or conflict with the plans or ideas of those having charge of the Engle or Rio Grande Reservoir project now in course of construction.

Mr. BURTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. I do.

Mr. BURTON. I suppose it is not possible to obtain appropriations for irrigation purposes here from the funds collected under the act of 1902?

Mr. FALL. That is applicable only for the purposes directly of taking water upon land; that is, for constructing reservoirs, and for purposes of that kind.

Mr. BURTON. That is not part of the necessary work here? That is already being done?

Mr. FALL. That is being built now, at great expense, and will be a magnificent work, and will be really doing justice to a portion of the people of that great southwestern country who are entitled to it; but it leaves those above in worse condition, practically, than before.

Mr. BURTON. In what part of New Mexico is this disturbing condition?

Mr. FALL. The Senator has passed through New Mexico. I will say it is around the city of Albuquerque, in the Albuquerque Valley, clear down to San Marcial, where the Santa Fe road crosses the river on its way to El Paso.

Mr. BURTON. There is no navigation there, of course.

Mr. FALL. I will be perfectly frank with the Senator. There is no navigation except where the stream is perennial. There is navigation in the shape of floating saw logs and railroad ties.

Mr. BURTON. There is practically no navigation there.

Mr. FALL. I will be frank with the Senator. As a matter of fact we do not expect to navigate it; but we are asking an appropriation for the protection of our land on a stream which the United States has deprived us of the right to touch.

Mr. BURTON. For about what length in the river will these levees be built?

Mr. FALL. It will be a broken length. It will be a length of approximately 150 miles, but it will be a very small dam or levee, in no place, I think, more than 6 feet, simply enough to confine the waters of the river in the flood season to a given channel and enable it to scour deeper, instead of opening up a new channel every year.

Mr. BURTON. I suppose the Senator from New Mexico is aware that we have not built levees or made any kind of correction work except in places where the improvement is associated with navigation.

Mr. FALL. We are doing that every day where such work is no more closely connected with navigation than it would be here in the Rio Grande. There are some places where for a number of years the Government has been appropriating for rivers which do not afford us much water for navigation.

Mr. BURTON. I am afraid the Senator from New Mexico is right, but the request is always based on the ground that it is needed to improve navigation.

Mr. FALL. That is the theory; but what are we going to do? You can not get it out of the Reclamation Service. The river has been declared by the Supreme Court of the United States to be under the War Department. The Congress of the United States has placed it, for the purposes of the Elephant Butte Dam, under the absolute jurisdiction of the Department of the Interior. Now, what are you going to do about it?

I said, Mr. President, that this is one of the cases which illustrates the very point I was attempting to make. You should consider every item in this bill with the idea in view as to whether the expenditure of the money is justifiable, and this is one of the cases illustrating most strongly the point which I have made that the United States Government is in duty bound to expend the necessary money to improve the waters of the United States which are under its sole jurisdiction. Is not the appropriation asked certainly as justifiable as any other one item in this bill?

I have heard discussions here of items in this bill which I thought proved satisfactorily that such items should not be included. I am equally well convinced that the business policy of the Government would dictate and justify the inclusion in this appropriation bill of just such items as those to which I have called attention in my proposed amendment.

Mr. NORRIS. Before the Senator from New Mexico takes his seat—not that it bears so much on the direct question involved—but because I think it is very interesting, though the Senator has dwelt on it somewhat—I should like to ask him a question or two about this irrigation project.

Mr. FALL. I shall be glad to answer.

Mr. NORRIS. I understand this dam would be 45 feet below the surface of the ground.

Mr. FALL. Yes.

Mr. NORRIS. And 200 feet wide and made out of concrete. Mr. FALL. It is 1,480 feet in length, 200 feet in thickness, and 255 feet in height.

Mr. NORRIS. Above the surface?

Mr. FALL. Above the bottom. It is 45 feet below the bottom of the river and 210 feet above the bottom of the river.

Mr. NORRIS. Is that of concrete?

Mr. FALL. Of concrete; rubble concrete—coarse rock and concrete.

Mr. NORRIS. How much will it cost?

Mr. FALL. The entire project, it is estimated, will cost \$11,000,000.

Mr. NORRIS. How close is it to the Mexican border?

Mr. FALL. It is 120 miles, approximately.

Mr. NORRIS. It will impound water that will be used for irrigation purposes in Mexico, will it not?

Mr. FALL. It will. That is partially the purpose of it; also, to irrigate about 180,000 acres in New Mexico and Texas.

Mr. NORRIS. Will the ditches be that long?

Mr. FALL. No; the treaty itself provides that 60,000 acre-feet of water shall be delivered by the Government of the United States 120 miles below this dam at a point in the bed of the river above the head of the Mexican ditch.

Mr. NORRIS. I suppose, then, the theory is that they will let the water out of the dam and supply it to the land?

Mr. FALL. I presume that they will let the water out of the reservoir into a canal extending down the Rio Grande and irrigating land in New Mexico. At Fort Seldon—an old mil-

tary post 60 miles above the intake of the Mexican ditch—there is now a canal extending down through the Mesilla Valley.

The water will be used in this Fort Seldon canal, which is already in use by the Government, that canal system running down on both sides of the Rio Grande for the irrigation of lands yet in New Mexico, until 25 miles above El Paso on the east side it will reach the Texas system, and from one of these canals heading at Fort Seldon the water will be delivered to the Mexican canal, or will be delivered in the head of the river where the Mexicans can get it out. On the east side of the river the waters from the Seldon canal system will, I presume, run into the Franklin canal system.

Mr. NORRIS. It now irrigates the land below?

Mr. FALL. On the Texas side.

Mr. NORRIS. How many acres will be irrigated from this project in New Mexico?

Mr. FALL. There will be irrigated something like 100,000 acres.

Mr. NORRIS. How many acres in Texas?

Mr. FALL. Something in the neighborhood of 180,000 acres between the two, largely in New Mexico. The larger part of it is in New Mexico.

Mr. NORRIS. There will be about 20,000 acres in Mexico.

Mr. FALL. There will possibly be 20,000 acres. There never has been at any time more than 12,000 acres irrigated on the Mexican side, and I do not believe it will ever be possible to irrigate more than 12,000 acres.

Mr. NORRIS. What arrangement, if any, has the Reclamation Service for collecting from the lands in Mexico which are irrigated their proportionate share?

Mr. FALL. Oh, Mr. President, we only charge our own citizens. We do not charge the Mexicans anything for water.

Mr. NORRIS. Is it furnished free?

Mr. FALL. Free.

Mr. NORRIS. The million dollars appropriated directly was supposed to compensate for that?

Mr. FALL. That million dollars was appropriated not to compensate for anything. As a matter of fact, we distinctly said in the treaty we did not owe them anything.

Mr. NORRIS. We entered into a treaty by which we agreed to furnish this water free?

Mr. FALL. Let me read to the Senator article 4 of the treaty of 1906:

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water Mexico waives any and all claims—

Now, just what this means the Senator can judge for himself; but it first says we do not admit any claim, and Mexico waives any claim—

to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Tex., and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing or that may hereafter arise or be asserted against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

Mr. NORRIS. I should like to get the reasons that have impelled us to supply this water. Were we under any obligations or otherwise induced to do that?

Mr. FALL. No, Mr. President. I might go into very interesting history in discussing that point.

Mr. NORRIS. As I understand it, Mexico does not claim anything, and we deny that we owe her anything.

Mr. FALL. Mexico made a claim several years ago. To answer as shortly as possible, before the Elephant Butte dam reservoir enterprise was initiated certain parties conceived the idea of constructing a dam at El Paso, Tex., for the joint benefit of the lands on the American side and on the Mexican side of the river. Up to that time no claim of any kind or character had been made by the Mexicans for damages from this country for the diversion of the water. No protest had ever been made of any kind or character, officially or unofficially, in so far as I know.

The parties who proposed the construction of the dam at El Paso very bitterly antagonized the people in New Mexico who were seeking to construct a reservoir within that State, and about the time that they were most bitterly antagonizing this construction, one of the parties interested, in the employ of the United States, made certain representations to the department here, which finally resulted in the bringing of the litigation which I have referred to. At the time when these parties were most aroused and agitated in opposition to the construction of this reservoir in the State of New Mexico by private capital, they sought to have the United States Government itself build the dam at El Paso. Then, for the first time, there came for-

ward from private individuals a claim for damages done to the people of Mexico. Thereafter the claim was presented officially and passed upon by the Attorney General of the United States, and he rejected any claim for damages.

I knew of the facts at one time when they had expanded the claim to the amount of three and one-half million dollars. That was the full amount claimed in this litigation when it was first started. Later that claim expanded to the amount of \$35,000,000 for losses to the people of Mexico.

I could go into details which might prove interesting to Senators in the cloakroom, but not very interesting to some of the other Senators here, possibly, as to just where these claims came from and as to parties who owned them and what was the object of their presentation. Having once learned that there was any possibility of being listened to upon the ground that we recognized any wrong as having been done to the people of Mexico contrary, as they claimed, to the treaty provisions between the United States and that Republic in 1848, having been convinced that some people here in the United States were listening to those claims, then the Mexican authorities proceeded upon every occasion to assert the claim. There was no proof of any claim, and if an investigation had been carried on by this Government I think it would have been discovered that the claims were all owned by one or two individuals under assignments costing them less than one-fiftieth of 1 per cent on the dollar. However, that, while a matter of interest, is not exactly pertinent here.

The fact is that for some good reason this Government entered into a treaty with Mexico by which we agreed that not recognizing any right with Mexico to claim damages from us or not recognizing any claim she had against us, yet we would construct this dam at a cost of \$11,000,000, and would guarantee to her every year, so long as it was possible to impound the water, the delivery of 60,000 acre-feet, presumably 3 feet per acre, amounting to 20,000 acres.

Mr. WEST. Was not that practically a concession that they had a claim against us?

Mr. FALL. The Senator can place his own construction upon that. They sought to reserve in the treaty itself a statement that they did not recognize any claim. However, the treaty has been entered into, and now we are obligated I presume to carry it out, unless by a further treaty we relieve ourselves from the onerous provisions of it.

Mr. WEST. I should like to ask another question, if it is not diverting the Senator from his line of argument.

Mr. FALL. Not at all. I have practically completed.

Mr. WEST. Here is this large lake that is created.

Mr. FALL. Created annually. There is not any one permanent body of water.

Mr. WEST. It fills up in the rainy season?

Mr. FALL. And then evaporates.

Mr. WEST. I was just going to ask the Senator what is the estimated evaporation?

Mr. FALL. From 9 to 13 feet per year. In an open body of water the evaporation, I might say, is from 7 to 13 feet.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5065) for the relief of Mirick Burgess.

The message also announced that the House had passed the bill (S. 725) to correct the military record of Aaron S. Winner with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 754) for the relief of Jacob M. Cooper with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1063) for the relief of Philip Cook with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2472) for the relief of Herman von Werthern with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17752. An act for the relief of Caleb T. Holland; and

H. J. Res. 342. Joint resolution to correct an error in H. R. 12914.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co.,



its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.;

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes;

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes; and

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

AARON S. WINNER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 725) to correct the military record of Aaron S. Winner, which was, in line 9, after "sixty-five," to insert: " : *Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

Mr. NORRIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JACOB M. COOPER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 754) for the relief of Jacob M. Cooper, which was, in line 10, after "pension," to insert " : pay, bounty, or other emoluments."

Mr. KENYON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PHILIP COOK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill S. 1063, which was, in line 8, after "sixty-five," to insert: " : *Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HERMAN VON WERTHERN.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2472) for the relief of Herman von Werthern, which were in line 10, after "no," to insert "back"; in line 10, to strike out "or compensation" and insert " : bounty, pension, or other emoluments."

Mr. CHAMBERLAIN. On behalf of the Senator from Wisconsin [Mr. LA FOLLETTE], who is detained from the Senate by illness, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 17752. An act for the relief of Caleb T. Holland was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 342. Joint resolution to correct an error in H. R. 12914 was read twice by its title and referred to the Committee on Pensions.

#### PETITIONS AND MEMORIALS.

Mr. PERKINS presented memorials of Andrea Scarboro, H. F. Stoll, B. Arnold & Co., the Gundlach Bundschu Wine Co., and of Arthur Lachman & Co., all of San Francisco; of the Santa Rosa Grape Protective Association, the Cloverdale Grape Growers' Protective Association, the Geyserville Grape Growers' Association, and the Windsor Grape Growers' Association, all in the State of California, remonstrating against the proposed tax on wine, which were referred to the Committee on Finance.

He also presented a petition of Holy Cross Court, No. 1292, Catholic Order of Foresters, of Los Angeles, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. McLEAN (for Mr. BRANDEGEE) presented a petition of the Connecticut State Medical Society, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also (for Mr. BRANDEGEE) presented a memorial of sundry citizens of Hartford, Conn., remonstrating against the proposed increase in the revenue tax on cigars, which was referred to the Committee on Finance.

He also (for Mr. BRANDEGEE) presented a petition of the Central Labor Union of Hartford, Conn., praying for an investigation by the Department of Justice as to the cause of advance in prices of foodstuffs, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of the Woman's Christian Temperance Union, of Neligh, Nebr., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. CRAWFORD presented a petition of sundry citizens of Aberdeen, S. Dak., praying for the enactment of legislation to prevent discrimination in prices, etc., which was referred to the Committee on Interstate Commerce.

#### BILLS INTRODUCED.

Mr. THOMAS. I ask unanimous consent to introduce a bill.

Mr. SMOOT. Mr. President, I give notice that I am going to object from now on to the introduction of routine business until some action is taken in relation to a morning hour. I shall object to the introduction of every bill that is presented and I shall object to the printing of any document or to any report being made.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 6484) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, which was referred to the Committee on Public Lands.

By Mr. CRAWFORD:

A bill (S. 6485) granting an increase of pension to Edward Morang (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6486) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on Public Lands.

#### REPORTS OF COMMITTEE ON CLAIMS.

Mr. NORRIS. I ask unanimous consent to make a report from the Committee on Claims.

Mr. SMOOT. I will let this day pass, but I want it understood that after this week I shall object to the transaction of routine business until we can have a regular morning hour for that purpose.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (H. R. 8562) for the relief of Kinder and Nicol, reported it without amendment and submitted a report (No. 785) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary, reported it without amendment and submitted a report (No. 786) thereon.

#### ORDER FOR RECESS.

Mr. NORRIS obtained the floor.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. KERN. I move that at not later than 5 o'clock the Senate take a recess until 11 o'clock on Monday morning.

Mr. SHEPPARD. At what hour does the Senator from Indiana suggest that a recess be taken?

Mr. KERN. At not later than 5 o'clock.

Mr. SHEPPARD. I think probably I shall be able to finish by that time, but I suggest to the Senator from Indiana to make it 5.15.

Mr. KERN. At the request of the Senator from Texas, I move that at not later than 5 o'clock and 15 minutes p. m. the Senate take a recess until 11 o'clock on Monday morning.

The motion was agreed to.

## CALLING OF THE ROLL.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baukhed	Gallinger	Ransdell	Sterling
Bryan	Kern	Reed	Stone
Burton	Lane	Robinson	Swanson
Camden	Lea, Tenn.	Sheppard	Thomas
Chamberlain	Lewis	Shields	Thornton
Chilton	Martine, N. J.	Simmons	West
Crawford	Norris	Smith, Mich.	Williams
Fletcher	Perkins	Smoot	

Mr. THOMAS. My colleague [Mr. SHAFROTH] is unavoidably absent on account of illness.

The VICE PRESIDENT. Thirty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. FALL, Mr. HUGHES, Mr. PAGE, and Mr. SMITH of Georgia answered to their names when called.

Mr. MYERS, Mr. BRADY, Mr. OVERMAN, and Mr. WHITE entered the Chamber and answered to their names.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. In pursuance of the order already made as to a recess, I move that the Senate take a recess until 11 o'clock on Monday morning.

Mr. SMOOT. I am not going to object, but I think the motion is out of order.

The VICE PRESIDENT. If there be no objection, by unanimous consent, the motion is agreed to.

Thereupon (at 4 o'clock and 30 minutes p. m., Saturday, September 12, 1914) the Senate took a recess until Monday, September 14, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, September 12, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we bless Thee for the spirit which inspired our national anthem, The Star Spangled Banner, which for a hundred years has thrilled the heart of America with profounder love for home and country; long may it be sung, and long may the Star Spangled Banner wave, the emblem of a peace-loving people, and never again be unfurled in battle array, but rather float on forever for the victories of peace, righteousness, justice, truth, mercy, love, and good will to all mankind. In the name of Him whose advent was heralded by the angelic host praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men." Amen.

The Journal of the proceedings of yesterday was read and approved.

## APPROPRIATIONS.

The SPEAKER. Under the unanimous-consent agreement the gentleman from New York [Mr. FITZGERALD] has not to exceed one hour and the gentleman from Massachusetts [Mr. GILLET] not to exceed one hour to address the House. The gentleman from New York is recognized for an hour. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the conservation of our national resources is no longer a partisan issue. While differences exist as to the most advisable method to be adopted to accomplish the desired result, there is practically unanimity of opinion as to the necessity for drastic action.

The resources of the country are not alone in its timber, coal, oil, and mineral resources. Not the least of them is capacity of the people to engage in remunerative production so as to bear the burdens imposed through the taxing power of the State.

We are living in a peculiar era. Heretofore States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents had been universally resented and vigorously resisted.

Lately, however, there seems to have been created a new and an entirely different political atmosphere. Instead of resisting

the extension and enlargement of the activities of the Federal Government, they seem to be everywhere welcomed. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.

## SOURCES OF REQUESTS FOR MONEY MULTIPLYING STARTLINGLY.

From every section of the country, from every business and industry, from the capitalist and the wage earner, flow incessant demands that the powers of the Federal Government be enlarged, that its activities be extended, that its agents be empowered to invade fields never contemplated by the founders of the Government; and these demands are based chiefly upon the desire to shift to the Federal Treasury burdens which properly belong elsewhere.

Unless intimately connected with the work of investigating the estimates for the support of the Federal Government, it is almost impossible for anyone to have any adequate conception of the magnitude of the work or to realize the extent of the pressure from every conceivable source for lavish grants from the Treasury.

The protection of the Treasury against the attempts to shift burdens properly belonging elsewhere is not a partisan matter. It requires the cooperation of men regardless of party, and it calls for courage and determination seldom appreciated by the public. Supplications of friends, threats of political oblivion, abuse from disappointed advocates, denunciation from unsuccessful pleaders must all be ignored and the welfare of the whole people and the true functions of the Federal Government alone considered in reaching conclusions.

## THE AGGREGATE OF THIS SESSION.

The bulk of the money for the support of the Federal Government is carried in the regular appropriation acts. Additional sums are provided in certain permanent appropriations, while many miscellaneous items are found in enactments commonly designated as legislative acts.

Including the general deficiency act and 2 urgent deficiency acts, 12 appropriation acts have been enacted during the present session of Congress. The appropriations carried in those acts, together with certain permanent appropriations, amount to \$1,089,408,777.26. This sum includes \$23,363,586.61 appropriated in the deficiency acts on account of the fiscal years 1914 and prior years, as well as by reason of extraordinary conditions prevailing in Mexico during the last fiscal year.

During recent years the policy has been initiated of enacting annually a river and harbor act. None has been enacted during the present session. Such a bill passed the House on March 26, 1914, carrying appropriations of \$39,408,004, and in addition to the appropriations authorized contracts aggregating \$4,061,500. As reported to the Senate, where it has been pending since June 18 last, it appropriates \$43,330,404 and authorizes additional contractual obligations to the amount of \$10,352,600.

The river and harbor act approved March 4, 1913, in the last session of the Sixty-second Congress appropriated \$41,073,094 and authorized contracts in addition amounting to \$6,795,800. As the river and harbor bill has not yet been passed by the Senate, and as there seems to be a possibility that such a bill may not be enacted before the present session ends, the sum stated as the total appropriations by Congress at this session does not include any sum for such a bill. To make an accurate and a fair comparison of the appropriations of this session with those made during the last regular session it is necessary to eliminate from the statement of estimates and appropriations all references to estimates and appropriations which properly are covered by the river and harbor act. In the chronological history of the appropriations for the present session, therefore, I shall omit all amounts carried by the river and harbor bill now pending in the Senate, the original estimates submitted thereunder, the amount of the last river and harbor act, and the estimates upon which the appropriations therein were based.

As heretofore stated, the appropriations made during this session for the support of the Government aggregate \$1,089,408,777.26.

The estimates submitted by the Executive at the beginning of the session and from time to time during the consideration of the various bills amount to \$1,112,415,382.02, exceeding the amount appropriated by \$23,006,604.76.

The appropriations for the support of the Government during the fiscal year 1914 and prior years made during the last regular session of the Sixty-second Congress, exclusive of the amount carried by the river and harbor act, aggregate \$1,057,005,694.40, which total is \$31,803,082.86 less than the appropriations at this session for the fiscal year 1915 and prior years.



As passed by the House, the annual appropriation bills were increased in the Senate to the extent of \$28,700,428.61, of this sum \$6,651,803.73 were eliminated in conference between the two Houses, and the sum of \$4,635,000, out of the proceeds of the sale of two battleships to Greece, were added to the naval bill after it had passed both Houses.

Eliminating from consideration the \$4,635,000 added to the naval bill by the concurrent action of the two Houses, the bills as finally enacted are \$22,048,624.88 in excess of the sums proposed in their original passage by the House, although the apparent final increase is \$26,683,624.88, and the actual reduction of the laws under the total sum proposed by the Senate is apparently only \$2,016,083.73.

PERMANENT APPROPRIATIONS PRODUCTIVE OF EXTRAVAGANT ADMINISTRATION.

The permanent appropriations for the year are stated in the sum originally submitted in the estimates, namely, \$131,196,407. This amount is an increase over the permanent appropriations stated for the fiscal year 1914 of \$3,670,742.83. The increase includes \$2,000,000 additional for the Reclamation Service and \$1,000,000 for miscellaneous Indian trust funds. Included in the total permanent appropriations is the sum of \$22,900,000 for interest on the public debt, and \$60,717,000 to meet the estimated requirements of the sinking fund during the fiscal year 1915. The remaining \$47,579,407 embrace expenses of various branches of the public service which have heretofore been maintained by permanent instead of annual appropriations.

In the interest of good administration and to enable the House to maintain that rigid control of the expenditure of public money essential to wise and economical administration all permanent appropriations other than those in the nature of trust funds should be repealed and the services for which they provide annually subjected to the Congress for consideration. Some of the permanent appropriations exist solely by the construction of laws made many years ago. If similar questions arose for determination to-day, such construction could not be adopted, as appropriations by construction rather than in specific terms are now expressly prohibited by law.

In recent years some of the permanent appropriations have been repealed. Among those repealed were some that dated almost from the beginning of the Government. Estimates for the services heretofore maintained from such appropriations are now submitted annually to the Congress and appropriations for such services are contained in the annual acts. Among the most prominent of such repealed permanent appropriations are those for the Public Health Service, the Immigration Service, the Steamboat-Inspection Service, the shipping service, and the customs service. The latter is the one most recently reformed, and the resultant economy is an annual saving of more than \$700,000.

During the present session the attempt to appropriate for the construction of the railroads in Alaska by permanent appropriation was fortunately defeated. Later, the House by an emphatic majority determined that hereafter provision for the Reclamation Service should be by specific annual appropriations instead of through the then existing permanent indefinite appropriation, and such requirement is to-day incorporated in the law. Had the original reclamation act required the service to submit annual estimates and to be conducted within the sums appropriated annually by the Congress many of the follies and extravagances now apparent would unquestionably have been avoided.

THE POST OFFICE APPROPRIATION ACT—A SURPLUS IN POSTAL REVENUES.

The greatest increase in the annual appropriation acts compared with the appropriations of the last session of the Sixty-second Congress is found in the Post Office appropriation act. The appropriation for 1914 is \$285,376,271; for 1915, \$313,364,667; the increase is \$27,988,396. At the close of the fiscal year 1913 the Postal Service for the first time in many years yielded an undisputed surplus of revenues over expenditures. The surplus amounted to \$3,841,000, and this sum was covered into the general fund of the Treasury. It is believed by those most familiar with the service that, under the efficient management of the present Postmaster General, the surplus for the fiscal year 1914 will be even larger than that of 1913.

The very large increase in the cost of the service is due in great measure to the extraordinary extension of the parcel-post system, together with the usual and uniform expansion of the service. The bill as enacted into law, however, is \$6,411,550 in excess of the estimates submitted by the Post Office Department. Congress provided money for certain purposes neither requested nor desired by the department. With such conflict of opinion

economy in the maintenance of any service is practically impossible. A system which permits the grants from the Treasury for the support of any service to be 2 per cent in excess of the sum requested or desired by those administering the service can not be defended.

THE SUNDRY CIVIL ACT REDUCED.

Excepting the pension act, the largest reduction is made in the sundry civil act. For 1914 it carried \$116,795,327.01, which was a reduction from 1913 of \$4,756,142.61; for 1915 it carries \$110,070,227.39. The decrease from 1914 amounts to \$6,725,099.62. If there be added to the total of the sundry civil act for 1914 the sums carried in the deficiency acts of this and the extra session, for purposes for which appropriations are carried in the sundry civil act of 1915, the real reduction reaches the very considerable sum of \$14,619,721.48.

PANAMA CANAL FINANCES.

In this connection it should be stated that the sundry civil act passed this session carries for the Panama Canal, exclusive of its fortifications, \$20,718,000. Including a deficiency, this is an increase of \$2,002,607 over the sum appropriated for that work on account of the fiscal year 1914. The total authorized cost of the construction of the Panama Canal is limited to \$375,200,900. There has been appropriated on account of the Panama Canal \$359,524,861.58, leaving a balance of \$15,676,038.42, or so much of that amount as may be necessary to be appropriated for the completion. The amounts already expended or that may be expended, as authorized, out of appropriations for construction, toward operation and maintenance, may be restored to the construction account by appropriations in like sums and additional to the \$15,676,038.42. The total appropriations for fortifications of the Panama Canal amount to \$6,243,825, and contracts have been authorized additional to that sum amounting to \$500,000. For all of the expenditures for the construction of the canal to the extent of its authorized total cost, \$375,200,900, the Treasury may be reimbursed by the sale of bonds as provided by section 39 of the tariff act of August 5, 1909. The amount of bonds so issued to date is \$134,631,980, or \$224,892,881.58 less than the appropriations that have been made.

THE PENSION APPROPRIATION ACT.

The pension appropriation act is reduced from \$180,300,000 to \$169,150,000, a decrease of \$11,150,000. This reduction is not brought about by economizing at the expense of those who have borne arms in the service of the Republic, but by diminution of the numbers through natural causes of those carried upon the pension rolls.

THE NAVAL APPROPRIATION ACT.

The naval act shows an apparent increase of \$4,068,073.08. It should be remembered, however, that the new act carries \$4,635,000, appropriated out of the proceeds of the recent sale of the battleships *Idaho* and *Mississippi*, toward the construction of another and more powerful ship.

AUGMENTED ARMY APPROPRIATIONS DUE TO MEXICAN CIVIL STRIFE.

The apparently large increase in the appropriations for the annual support of the military establishment from \$94,266,145.51 for 1914 to \$101,019,212.50 for 1915, or a total of \$6,753,066.99, is attributable to the disturbed conditions on our southern border. The situation was due to civil strife in Mexico, which became acute after the passage of the Army bill by the House in February last. Had it not been for the situation in Mexico the Army bill would doubtless have become a law, carrying appropriations, as originally proposed by the House, in a sum less than the previous law. As finally enacted it makes ample provision for maintaining the Army at its maximum authorized strength of 85,000 enlisted men, an increase over last year of 7,500 men.

DEFICIENCIES DECREASED.

For deficiencies the amount appropriated this session is \$23,263,586.61, against \$28,074,912.31 carried in deficiency acts passed at the last session of the last Congress, a reduction of \$4,711,325.70. The reduction would have reached more than \$13,000,000 had not the deficiencies of this session included \$8,650,679.98 appropriated because of the deplorable condition of affairs in Mexico.

MISCELLANEOUS APPROPRIATION ACTS.

The miscellaneous appropriations as stated at \$6,000,000 include all sums known to have been appropriated by all acts

other than the general appropriation acts, and embrace \$1,000,000 for construction of railroads in Alaska, \$600,000 for the eradication of hog cholera, \$480,000 for aid to agricultural colleges, \$200,000 on account of the Salem disaster, \$500,000 for relief and transportation of American citizens in Mexico, and \$2,750,000 for relief of American citizens abroad who have been compelled to rely upon the resources of our Government to extricate them from the perils of the war now afflicting the great nations of Europe.

CONTRACTUAL OBLIGATIONS LESS—DEMOCRATS PAYING OFF REPUBLICAN INDEBTEDNESS.

In addition to the total appropriations made at the last session, amounting to \$1,057,605,694.40, after deducting the amount of the last river and harbor act, contract authorizations were made to the extent of \$68,505,174, so that the actual appropriations and fixed liabilities on the Treasury amounted to a total of \$1,126,110,868.40. These appropriations and contract obligations were based on estimates submitted by a Republican administration.

The total contract liabilities authorized at this session, additional to the appropriations and exclusive of the \$34,000,000 for which we are obligated on account of the Alaska railroads, amount to \$28,060,000. Excluding the Alaska railroad future obligations, the \$5,100,000 appropriated for the war-risk insurance bureau, and the \$1,000,000 appropriated for the representation of foreign Governments incident to the hostilities in Europe, the total appropriations and contract authorizations at this session aggregate \$1,117,468,777.26, which sum is \$8,642,091.14 less than the total appropriations and contract authorizations of the last session of the Sixty-second Congress.

It should not be forgotten that many of the appropriations made at this session are unavoidable because of contract liabilities fastened upon the country under legislation and administrative acts of our Republican predecessors, who had undisputed control of every branch of the Government for 14 years and of the Executive during 16 years. To meet contract obligations thus authorized for public buildings alone \$10,113,668.44 were appropriated, and for river and harbor improvements under contract the further sum of \$6,988,500, the total of which, \$17,102,168.44, is included in the grand total of this session's work.

POSTAL SERVICE AND MEXICAN EXPENSES ACCOUNT FOR ENTIRE INCREASE.

The amount appropriated on account of the troublous situation in Mexico, \$8,650,679.98, added to the excess of \$27,988,396, granted out of its revenues for the Postal Service, accounts for the whole apparent increase in the actual appropriations at this session over those of the last regular session.

RESPONSIBILITY DIFFICULT TO FIX.

It is futile to attempt to fix responsibility for lavish appropriations under existing conditions. The same complaint will be made year after year by those apparently responsible, but with very little authority.

On May 30, 1908, a distinguished predecessor in my present position, Hon. James A. Tawney, made this statement:

In addition to the demands for increased appropriations for the established public service came the demand for the authorization and establishment of many new services and new activities upon the part of the Federal Government. Many of these were wholly without the constitutional functions of the Federal Government. Demands of this character are rapidly increasing. They are the result of, and are supported by, a general tendency throughout the country to increase the power of the Federal Government where the exercise of that increased power would relieve the States and private interests of the expense incident thereto. \* \* \* The many bureaus and offices of the executive departments here at the seat of government are always eager to take on new services and the exercise of new powers whenever there arises among the States or the people of any section of the country a demand that they should do so.

Demands of this character were greater at this session of Congress than ever before, and they may be expected to increase in the future unless the executive and legislative branches of the Government unite in resisting propositions for the exercise of these extraconstitutional powers and consequent encroachment upon the revenues of the Federal Government.

Because of the nature of the demands and the sources from which the demands emanated, prominent Members of both Houses of Congress, and especially on both sides of this Chamber, whose voice and influence otherwise would have been most potential in checking these increased appropriations, sat here silent or aided those who sought their fulfillment. I am not criticizing anyone. I am only stating for the record an indisputable fact. I do not deny that some of the increases made were just, but I do say that in view of the present and prospective condition of our revenues, these increases in pay and increased expenditures on account of newly authorized Federal services could well have been postponed, and that, too, without detriment to the public service.

I recall well the conditions that provoked that statement. The situation was not exaggerated, and the predictions have been fulfilled. Yet the conditions that existed throughout the present session would be but faintly pictured if I adopted Mr. Tawney's statement as my own. On June 24, 1913, I presented in a comprehensive manner my views as to the changes essential to make effective the supposed control of the House over the public purse. The experience of the present session has confirmed my opinion as expressed on that day:

PRESENT METHOD OF MAKING APPROPRIATIONS CONDUCTIVE TO EXTRAVAGANCE.

Again, I desire to emphasize the necessity of some of the reforms advocated by me in June of last year.

The grants of public money will never be properly controlled while more than a single committee has authority to appropriate moneys.

The Committee on Appropriations has jurisdiction of the legislative, executive, and judicial appropriation bill, the District of Columbia bill, the sundry civil, the pension, the fortification, and the deficiency bills; while the Agriculture, Diplomatic, Army, Military Academy, Naval, Indian, river and harbor, and Post Office appropriations are scattered among seven other committees. The result is inevitably bad. Committees that have legislative authority should not recommend appropriations; they inevitably become biased in favor of the services over which they have legislative control.

The bills over which the Committee on Appropriations had jurisdiction as enacted for the fiscal year 1914 aggregated \$376,944,662.82; for the fiscal year 1915, during the present session, \$358,014,283.19, a reduction of \$18,930,379.63; and \$25,712,468.32 less than the estimates for 1915.

The bills from the other committees with jurisdiction over appropriation bills were increased from \$552,746,770.24 for the fiscal year 1914 to \$594,198,087.07 for 1915, an increase of \$41,451,316.83, and an increase over the estimates submitted by the departments of \$9,705,863.56. The same results are apparent during the three years the House has been under its present control.

During those three years the Committee on Appropriations, in the amounts as finally enacted in their bills, reduced the estimates \$74,077,059.69, while the other committees enacted the bills over which their jurisdiction extended \$9,644,654.40 in excess of the estimates submitted for the consideration of Congress.

I do not pretend that the members of the Committee on Appropriations possess any superior virtues over members of other committees. Service on committees under the present system inevitably alters the viewpoint of members.

A committee with no authority to legislate for a particular department, and compelled to assemble and weigh the claims of many services, becomes detached from all of them and easily acts in a more impartial and disinterested manner than if dealing with a single service.

While claiming no superior virtue, however, I would be most recreant if I did not acknowledge to the House the great indebtedness I am under to the members of the Committee on Appropriations, regardless of party, for their unselfish labors, their untiring devotion, their loyal cooperation, and their generous patience with me in the work of the committee.

Since early last November the committee, until a brief time since, has been engaged almost continuously in its onerous work. What has been accomplished is but feebly shown by the statement that more than 5,000 printed pages of testimony has been taken during the session in the investigations pursued. Everyone has contributed his share to lighten the labors of the position occupied by me, none more so than the efficient clerk of the committee, Mr. Courts, and his capable assistants, and to them all I am profoundly grateful.

The work of this Congress will ever be memorable in the annals of the country. It marks an era of great constructive statesmanship. The tariff has been revised downward, banking and currency reform has been effected, comprehensive measures to reform business and industrial conditions have been perfected, the opening and development of Alaska has been begun, the conservation of our natural resources has been assured, steps have been taken to expand and develop our foreign commerce, and other important beneficial legislation has been enacted; while under the patient, watchful, intelligent, and patriotic guidance of President Wilson the country has happily been kept clear of foreign entanglement and military conflict and the foundations of an era of great prosperity have been firmly established. [Prolonged applause on the Democratic side.]



Chronological history of appropriation bills, second session of the Sixty-third Congress, estimates and appropriations for the fiscal year 1914-15, and appropriations for the fiscal year 1913-14.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House.]

Title.	Estimates, 1915.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1914-15.		Law, 1913-14.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	
Agriculture...	\$19,061,332.00	1914. Feb. 20	\$18,947,232.00	1914. Mar. 14	\$18,988,232.00	1914. Apr. 16	\$19,511,302.00	1914. May 23	\$20,089,012.00	1914. June 30	\$19,865,832.00	\$17,986,945.00
Army.....	104,947,758.65	Feb. 16	94,194,277.16	Feb. 28	94,190,577.16	Mar. 21	101,815,583.35	Mar. 28	101,730,118.50	Apr. 27	101,019,212.50	94,266,145.51
Diplomatic and Consular.....	4,447,042.66	Apr. 17	4,483,702.66	May 16	4,455,852.66	June 12	4,359,986.66	June 16	4,366,086.66	June 30	4,309,856.66	3,730,642.63
District of Columbia.....	14,491,614.49	1913. Dec. 15	11,465,480.49	1914. Jan. 12	11,436,150.49	Mar. 6	13,137,256.49	Mar. 13	13,137,456.49	July 21	12,172,539.49	11,383,739.00
Fortification.....	9,124,399.49	1914. Jan. 23	5,175,200.00	Jan. 29	5,175,200.00	Feb. 6	6,895,200.00	Feb. 9	6,895,200.00	June 27	5,627,700.00	5,218,250.00
Indian.....	10,208,865.06	Jan. 28	8,661,737.82	Feb. 20	8,661,737.82	May 15	10,787,577.76	June 24	10,800,763.76	Aug. 1	9,771,902.76	9,486,819.67
Legislative, etc.....	39,584,709.70	Apr. 1	36,449,169.70	Apr. 17	36,532,109.70	May 25	37,238,278.70	June 15	37,841,158.70	July 16	37,630,229.70	35,172,434.50
Military Academy.....	1,062,875.61	Feb. 23	988,289.75	Feb. 28	988,289.75	Mar. 21	1,009,199.54	Mar. 28	1,009,099.54	Apr. 15	997,899.54	1,009,302.87
Navy.....	144,417,473.53	Feb. 28	139,964,333.61	May 7	139,808,333.61	May 14	140,990,833.61	June 2	141,164,433.61	June 30	* 144,868,718.61	140,800,643.53
Pension.....	169,150,000.00	Apr. 1	169,150,000.00	May 9	169,150,000.00	June 8	169,150,000.00	June 16	169,150,000.00	June 20	169,150,000.00	180,300,000.00
Post Office.....	306,953,117.00	Jan. 12	306,952,867.00	Jan. 24	307,013,867.00	Feb. 18	310,652,267.00	Feb. 28	311,772,067.00	Mar. 9	313,364,667.00	285,376,271.00
River and harbor.....	*(34,266,395.00)	Feb. 24	(39,221,504.00)	Mar. 26	(39,408,004.00)	June 18	(43,330,404.00)	.....	.....	.....	( <sup>5</sup> )	<sup>6</sup> (41,073,094.00)
Sundry civil.....	† 119,779,806.83	June 4	107,694,609.28	June 25	107,944,209.28	July 6	111,411,159.06	July 8	112,269,133.56	Aug. 1	* 110,070,227.39	* 116,795,327.01
Total.....	943,218,975.02	.....	904,126,899.47	.....	904,344,559.47	.....	926,958,644.17	.....	930,224,534.82	.....	928,848,783.65	901,616,520.75
Urgent deficiency.....	25,000,000.00	Feb. 19	9,639,397.79	Feb. 26	9,754,068.59	Mar. 17	10,843,321.98	Mar. 18	10,850,821.98	Apr. 6	10,626,825.54	.....
Deficiency, 1914, and prior years.....	.....	May 13	6,770,632.24	May 21	6,835,632.24	May 22	6,835,632.24	May 22	6,835,632.24	May 25	6,835,632.24	23,074,912.31
Total.....	.....	July 10	4,585,584.08	July 15	4,594,485.08	July 17	6,079,900.00	July 18	6,318,184.95	July 29	5,901,128.83	.....
Total.....	968,218,975.02	.....	925,126,513.58	.....	925,528,745.38	.....	950,717,498.39	.....	954,229,173.99	.....	952,212,370.26	929,691,433.06
Miscellaneous.....	10 13,000,000.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,000,000.00	338,597.22
Total regular annual appropriations.....	981,218,975.02	.....	.....	.....	.....	.....	.....	.....	.....	.....	958,212,370.26	930,030,030.28
Permanent annual appropriations.....	131,196,407.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	11 131,196,407.00	127,525,664.12
Grand total, regular and permanent annual appropriations.....	1,112,415,382.02	.....	.....	.....	.....	.....	.....	.....	.....	.....	12 1,039,408,777.26	1,057,605,694.40

Amount of estimated revenues for fiscal year 1915..... \$728,000,000  
Amount of estimated postal revenues for fiscal year 1915..... 303,000,000

Total of estimated revenues for fiscal year 1915..... 1,036,000,000

<sup>1</sup> One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1915 at \$136,860), which are payable from the revenues of the water department.

<sup>2</sup> Includes \$4,635,000 out of proceeds of sale of battleships *Idaho* and *Mississippi*.

<sup>3</sup> Includes all expenses of the Postal Service payable from postal revenues and out of the Treasury.

<sup>4</sup> No river and harbor act having become a law, the amount of the estimates, the dates and amounts of the bill in its several stages of consideration up to this time, and the amount of the last law are shown (in parentheses) in order to preserve their history, but none of the amounts are included in the totals stated herein.

<sup>5</sup> No river and harbor act has become a law at this session, but the sum of \$6,988,500 is appropriated in the sundry civil act to carry out contracts heretofore authorized for river and harbor improvements.

<sup>6</sup> The sum of \$10,045,795 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1914.

<sup>7</sup> This amount includes \$7,217,500 to carry out contracts authorized by law for river and harbor improvements, and \$26,325,985 for construction and fortification of the Panama Canal for 1915, and is exclusive of \$6,596,221 carried under "Miscellaneous."

<sup>8</sup> This amount includes \$6,988,500 to carry out contracts authorized by law for river and harbor improvements, and \$21,842,475 for construction and fortification of the Panama Canal for 1915.

<sup>9</sup> This amount includes \$10,045,795 to carry out contracts authorized by law for river and harbor improvements, and \$21,135,393 for construction and fortification of the Panama Canal for 1914.

<sup>10</sup> This amount is approximated.

<sup>11</sup> This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1915, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year. This amount includes estimated amount of \$63,717,000 to meet sinking-fund obligations for 1915.

<sup>12</sup> In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the fortification act, \$600,000; by the naval act, \$26,650,000; by the sundry civil act, \$810,000; in all, \$28,060,000.

<sup>13</sup> In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the Army act, \$150,000; by the District of Columbia act, \$1,615,000; by the fortification act, \$300,000; by the naval act, \$21,296,524; by the river and harbor act, \$3,793,800; by the public buildings act, \$38,347,850 (exclusive of \$3,161,000 for authorizations without contracts, etc.); in all, \$68,505,174.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] is recognized for one hour. [Applause.]

Mr. GILLET. Mr. Speaker, I have listened with great interest to the gentleman from New York [Mr. FITZGERALD], and with nearly all that he has said I heartily agree. Especially do I agree with his remarks about the tendencies of the people to look upon the National Treasury as a great reservoir from which they could draw without expense to themselves for local purposes, considering it apparently as inexhaustible and to be replenished without any expense to themselves.

But I am sure you all observed that the gentleman from New York did not claim that the statement of appropriations indicated economy, nor did he attempt any justification of them. The gentleman from New York is embarrassed by the possession to an unusual degree of that rare quality mental integrity. [Applause.] He does not often deceive himself or try to de-

ceive others. Consequently no other course would be expected from him. But there were various comparisons and deductions which the gentleman very prudently omitted and I think, in the interest of general information, ought to be made and which I shall attempt to supply.

I shall use the same figures that the gentleman from New York used, figures furnished by the clerk of the Committee on Appropriations, Mr. Courts, and his expert assistants. I want to heartily indorse what the chairman said of Mr. Courts. Although I believe he is a Democrat, no tinge of partisanship ever colors his work. [Applause.] I am sure that his head contains the greatest storehouse of information, not only about appropriations, but about legislation, that there is existing. He is of inestimable value to the committee and to the House, and I am sure his purpose and effort is always to supply the exact truth. [Applause.]

Mr. Speaker, the constitutional provision that no money shall be drawn from the Treasury but in consequence of appropriations made by law is one of the wisest provisions in that instrument. The duty it imposes upon Congress is one of the most important that body is called upon to perform. The manner of that performance is one of the things by which the Congress and the political party controlling it should be judged. Judging this Democratic Congress by that performance, there can be but one verdict—a verdict of absolute condemnation.

**PROCRASTINATION IN PASSAGE OF APPROPRIATION BILLS HINDERS GOVERNMENT WORK.**

The fiscal year commences July 1. If appropriation bills were not passed before then, no money could be paid out and the wheels of government would stop. So when the regular bills are not ready at that date it is necessary to pass a temporary resolution extending the last year's appropriation bills until the new ones become law. That occasions great inconvenience and expense to all the departments, it complicates the accounts, it hinders making plans in advance, and prevents allotting the funds equitably for the different seasons of the year. The earlier the bills are passed the more advantageously can the departments expend their appropriations.

For 14 years, covering the period from March 4, 1897, to March 4, 1911, the Republican Party controlled both Houses of Congress. During that time the several annual appropriation bills for the support of the Government were prepared with diligence and were invariably enacted into law before the beginning of each fiscal year. Every branch of the Government knew in advance just what measure of expenditure was allotted to it for the year, thus enabling them to perform their respective functions without intervals of uncertainty, indecision, and waste. How different have been the conditions during the past three years, when the Democratic Party has controlled this House! The first two of those years were appropriated for by this body under the dominance of a great Democratic majority and a Senate almost evenly divided between the two parties; the fiscal year 1915, now current, has been appropriated for by a Congress Democratic in both branches and an Executive chosen from the same party.

During the fiscal year 1913, the first year of Democratic ascendancy here, nine of the great appropriation bills were not passed until the second month of the fiscal year was well advanced or nearly expired. Only three of them, the diplomatic and consular, District of Columbia, and fortifications—the least important of all—got through before the year began; and one, the river and harbor, that affects no real function of government, they managed to pull through toward the end of the first month of the year.

For the fiscal year of 1914 the same House of Representatives, at its second session, and after an experience of 13 months of actual sitting, proved incapable of handling the Nation's business by permitting two of the great supply bills to die with the session—one providing for the Indian affairs and the other for sundry civil expenses. Without the latter the Government could not exist. Both bills had to be enacted at the extra session of this Congress, which would have been convened on this account alone if the President had not otherwise deemed an extra session necessary.

In this Congress the Democrats had full control of every branch of the Government, and there was an extra session lasting eight months before the regular session, and still four of the general appropriation bills were delayed in their enactment until weeks after the fiscal year had commenced. The result of this indefensible delay in providing for the necessities of the Government is demoralizing to the public service and uneconomical to the highest degree; it makes it difficult to organize, and when organized to promptly place working parties in the field for operations during the part of the year most desirable for out-of-door activities, such as surveying and the construction of many public works, as well as the procurement of annual supplies under circumstances most advantageous to the Government.

It seems to be Democratic nature to be inefficient and unbusinesslike. [Applause on the Republican side.] The record shows that during the first year of Cleveland's last administration, with his party in full control of both branches of Congress, none of the 12 general appropriation bills was passed until several days after the fiscal year had begun, and some of them not for many weeks. The last two years of that administration of Mr. Cleveland Congress was controlled by the Republicans, and, needless to state, the public business, so far as that body was concerned, was promptly dispatched; all of the appropriation bills were enacted in due season and before the beginning of either of the fiscal years for which they made provision.

And now as soon as the Democratic Party gains power again they repeat their former practice and illustrate again what we have always criticized them for—inefficiency and incapacity for business management.

This dallying, procrastinating policy doubtless accounts for the fact that the last time the Democrats controlled the Government, in 1893, Congress was obliged to sit the whole year round in order to do its work. That was not necessary again for 20 years, until last year, when for the first time again the Democrats were in control, and now again this year they can not transact the necessary business without a solid year's session. And it is significant that in the Fifty-third Congress, 20 years ago, when the Democrats last had control and had a majority of 80 in this House, despite that great majority they could not keep a quorum here without docking the Members' pay for absences. [Laughter on the Republican side.] There has been no such trouble since during the Republican Congresses, but now that the Democrats are in power again, with a majority of 141, they are obliged again to resort to that same humiliating device in order to keep their Members here. And when Democrats honored by great chairmanships in the House and Senate notoriously leave their duties for weeks at a time, you can hardly expect the rank and file not to follow their example. [Applause on the Republican side.] From the 5th of last June until their salary was threatened there had not at any time been a quorum of Democrats present at any roll call despite their enormous majority of 141.

Meanwhile the country suffers. As legislation drags its slow length along watchful waiting has become weary waiting, and before November, unless this European war distracts them, the voters will be in a mood of wrathful waiting for election day. [Applause on the Republican side.]

It took the Democratic Party eight months at the present long session without counting the extra session and nine months at the last long session to pass all of the appropriation bills. With such a record of mismanagement in handling this important phase of legislation, with what hopes can the country look forward to its passing these same bills in the less than three months which will constitute the coming short session? It is not at all unlikely that some of the appropriation bills will remain uncompleted by March 4 next, and such a condition would necessitate the calling of another extra session of Congress.

**AGGREGATE APPROPRIATIONS AND ESTIMATES LARGEST IN HISTORY—RIVER AND HARBOR AND PUBLIC BUILDING PROFLIGACIES.**

But damaging and expensive delay is not the only feature which calls for criticism in the appropriations of this Congress. The grand total of appropriations made thus far is \$1,089,403,777.26, which sum includes no amount for a river and harbor bill. This statement dates from early in August, and does not include the five millions for insurance or anything since then. The estimates submitted for a river and harbor bill amounted to \$34,266,395. On these estimates the Committee on Rivers and Harbors prepared and passed through the House on the 26th of March last a bill appropriating \$39,408,004, and authorizing \$4,061,500 additional in contracts, a total of \$43,469,504, or an excess of \$9,293,109 over the estimates submitted by President Wilson, which were so large that they exceed those submitted at either session of the last Congress by President Taft.

The Senate, a body also controlled by the same Democratic Party which for 16 years has been denouncing the Republicans for alleged extravagance in public expenditures, has exceeded the House in its record on this bill. As reported to the Senate by one of its committees after nearly three months of deliberation, the bill carries in appropriations and contract authorizations \$53,683,004. What it will carry when it finally gets back to this body we can not guess. Already it exceeds any river and harbor bill passed at any time within which I have been able to extend my search. Combined with the bill passed last session, the two make a total enormously in excess of any river and harbor bill passed up to the period in recent years, when it was the established policy of Congress to enact only one such bill every two years. Its enormity is so great that it is no wonder it is being desperately attacked and criticized in the Senate. It is now the regular order of business in the Senate, and the Democratic leaders there assert that it will soon be passed, but as it has not yet become a law I do not use it in comparisons; but if we should assume that it will finally become law at an amount halfway between the \$43,000,000 of the House bill and the \$53,000,000 of the Senate bill, or \$48,000,000, it would swell the totals of this session to the abnormal sum of \$1,137,000,000.

It is probably exceeded in extravagance only by the public-buildings act which originated in the Democratic House of the



last Congress and saddled upon the Treasury a public-buildings program that will ultimately cost \$42,063,850, and which provides for \$50,000 buildings in towns or villages which have less than 1,000 population and postal receipts of less than \$2,500—buildings, too, which will cost far more than any other public or private buildings in those communities. River and harbor and public-buildings bills have long been known as "pork" bills, and it is not accidental that Democratic extravagance runs to its greatest extremes in these two bills. [Laughter and applause on the Republican side.]

Eliminating from consideration all question of a river and harbor bill at this session, either with reference to estimates submitted, amounts passed by the House or now pending in the Senate, and also eliminating for comparison the sum carried by the river and harbor act in the appropriations made last session, it appears that the appropriations made this session exceed those made last session by \$31,803,082.86. Even that enormous excess over appropriations of last session, the latter based on estimates of a Republican administration, would have been increased by \$54,809,687.62 had the full estimates been appropriated that were submitted and urged upon Congress by the present Democratic administration.

The last Congress when all the branches of the Government were controlled by the Republicans was the Sixty-first, and the appropriations made in the last session of that Congress for the year 1912 were \$1,026,682,881.72. These appropriations were denounced by the Democrats as profligately extravagant, and yet they are exceeded by the appropriations of this first Congress of Democratic control by \$63,000,000. Leave out the river and harbor bill of that session, as I am leaving it out for this session, and the difference is about \$100,000,000.

Not only do the appropriations made at this session, exclusive of a river and harbor bill, amounting to the enormous sum of \$1,089,408,777.26, exceed for the first year of an incoming Democratic administration by the large sum named the extravagant appropriations of the last session, made by an overwhelmingly Democratic House, but the very estimates or recommendations submitted to this Congress by the Democratic Executive exceed those presented for the first year of Mr. Taft's administration, omitting river and harbor estimates for both periods, by more than \$100,000,000, and for only one of the two following years of that Republican administration did the estimates barely reach within \$100,000,000 of what seems to be required by the Democrats to conduct the Government according to their traditional, and what are now shown to be purely legendary, notions of economy.

The appropriations for this session, for which Congress is directly responsible, not only exceed those of any previous session, but the estimates or recommendations for appropriations submitted by the President and for which he is almost wholly answerable greatly exceed those ever before submitted by any President.

Appropriations were made during the extra session of this Congress, beginning in April of last year, amounting in all to \$6,327,837.22, and the greater part of that sum, if not made then, would have been required to be made for the public service at this session and therefore could with propriety be added to the sum of this session's appropriations for the purpose of comparing the latter's excesses over any previous record in appropriations made at any session of Congress and would have still further swelled the total.

This prodigious increase in expenditures is not confined to some one particular line or to certain committees. It is characteristic of them all. Compare the appropriation bills of this session with the corresponding bills of the first session of the Taft administration and you will find that every single bill of this session is larger than the corresponding bill of that session, except the Military Academy bill, which is the smallest of them all, appropriating only about a million dollars. So that the increase is general and all-pervading and has but one insignificant exception. If all those Republican bills were as extravagant as the Democrats then insisted, what shall be said of their bills, which now vastly exceed them, both in the grand total and in each separate bill? I give here the total appropriations of each year since the beginning of the Taft administration, omitting from each one the river and harbor bill, because that bill for this session is still pending in the Senate. If I should leave in all the river and harbor appropriations and in this session use the amount of that bill as it now stands in the Senate, reported from the Senate committee, the comparison would be still more unfavorable for this Democratic Congress. I might suggest, moreover, that this year the appropriation for the Isthmian Canal is only \$21,000,000, while it has reached as high as forty-eight millions in a single year, and while that increased the size of the appropriations for that

year, it was no gauge of the economy of Congress, because in each year we appropriated whatever the engineers needed.

*Total appropriations, excluding river and harbor acts.*

1911	\$978,521,087.68
1912	995,799,462.72
1913	988,353,340.41
1914	1,057,605,694.40
1915	1,089,408,777.26

Excessive by all comparison as is the sum total of expenditures authorized for this first year of complete control of the Government by a Democratic Executive and a Congress Democratic in both branches, still more startling are some of the details developed by analysis of how the enormous total of nearly \$1,100,000,000 has been recklessly piled up.

#### ARMY AND NAVY APPROPRIATIONS INCREASED.

For instance, the Army appropriation bill carries \$101,019,212.50, and exceeds the last law by \$6,753,066.99, and it carries the largest appropriations ever made for the support of the American Army in time of peace, with the exception of one year—1910—when it was scarcely \$100,000 greater, although in that year nearly \$2,500,000 more was appropriated for transportation of the Army than is appropriated by the last Army act. The last appropriations for the support of the Army made by a Republican Congress under a Republican administration were \$7,644,456.53 less than the sum of this last Army appropriation act.

The naval appropriation act amounts to \$144,868,716.61, exceeding the last act by \$4,068,073.08, and it is not only the largest sum of appropriations, without exception, ever made for the support of the Navy, but it exceeds the appropriations made by the last Republican Congress, under recommendations of Mr. Taft's administration, by the sum of \$17,500,634.84, an amount exceeding the total annual cost of maintaining our whole Naval Establishment less than a generation ago.

Even the bill making appropriations for the support of the government of the District of Columbia, an institution so much criticized—and it is thought by some maligned—by the majority side of the House, exceeds in amount the last law by \$788,800.49, and is not only larger in amount than any similar act, but, with one exception, it carries more than \$1,000,000 in excess of any total sum ever before appropriated in an annual District bill. It is not uninteresting to speculate as to how much the bill would have carried had this Congress been as favorably disposed toward building up the National Capital as past Republican Congresses have frankly confessed they were.

#### PENSION APPROPRIATIONS CUT.

One of the regular annual appropriation acts, the one providing for the payment of pensions, does show a marked reduction of \$11,150,000 under the one for the previous year. It would be uncharitable to claim that there is any significance in this large decrease.

#### WHOLESALE INCREASE OF HIGH SALARIES AND HIGH-SALARIED OFFICERS.

Leaving these larger details of comparison, involving as they do such enormous sums of excess over the work of other sessions of Congress, and turning to smaller but no less extravagant accomplishments in the way of new offices created and salaries increased by this Congress, the record discloses, even by cursory examination, instances like the following:

The new banking law creates five new offices with salaries of \$12,000 each and increases the salary of the Comptroller of the Currency from \$5,000, at which sum it had remained for 50 years, to \$12,000 per annum.

The new trade commission act creates five commissioners at \$10,000 each and a secretary at \$5,000.

A new board of appeals, consisting of three members at \$4,000 each, is created in the office of the Secretary of the Interior.

For commercial attachés, to be appointed by and compensated at such salaries as the Secretary of Commerce may fix, and a clerk each, at \$1,500; and for traveling expenses, the sum of \$100,000 is appropriated for a year.

The salary of the private secretary to the Secretary of the Treasury is increased from \$2,500 to \$3,000, which means that the private secretaries to the other nine Cabinet officers must also be increased from \$2,500 to \$3,000.

A chief of division, created less than a year ago under the income-tax law, is increased from \$2,500 to \$3,500.

Six Assistant Attorneys General in the Department of Justice have their salaries increased from \$5,000 to \$7,500.

The salary of the assistant to the Attorney General was increased during the extra session on an urgent deficiency bill from \$7,000 to \$9,000.

The salaries of our diplomatic representatives to Argentina, Chile, and Spain are raised from \$12,000 to \$17,500 each per annum, and the three secretaries of the legations to these countries are increased from \$2,025 to \$3,000 each.

The mission to Paraguay and Uruguay is divided and a new minister authorized, with a new salary of \$10,000.

The Democratic House of the last Congress insisted upon and did abolish three internal-revenue collectors of the Republican administration, at \$4,500 each. At this session one of them is re-created, the place to be filled by a Democratic administration. If the office was not necessary to collect revenues then, how can it be needed now, except to meet some political exigency? [Applause on the Republican side.]

In the Pension Office 40 special examiners, at \$1,300 each, heretofore employed to facilitate settlement of claims for pensions of old soldiers, and whose appointments were controlled by civil-service law, are abolished. In their places 5 special examiners, at \$1,300 each, who are not under the civil service but are political appointments, are provided for.

#### DEMOCRATIC ECONOMY AS PRACTICED BY AUTHOR OF DEMOCRATIC PLATFORM.

The Secretary of State, when he appeared before the committee in January last to explain the needs of his department, said, with reference to his estimates:

I was determined that there would be one department that would be run on less than it was before, if I could bring it about, \* \* \* and the cost is \$120 less than it was last year.

[Laughter on the Republican side.]

One hundred and twenty dollars did not seem a very striking economy. It did not substantiate the unceasing charge of Republican extravagance; and yet even that lonely and only economy was lost. Notwithstanding that brave statement, the appropriation bill came back from the Senate with two \$1,800 clerkships added, together with an assistant to the Secretary, at \$4,500. In view of his statement, it must be assumed that an extravagant Democratic Senate sought to thrust these needless places on Mr. Bryan.

The Secretary of the Treasury, too, asked and the Senate proposed to provide him with an assistant, at \$4,500, notwithstanding the law already provided for three Assistant Secretaries of the Treasury, at \$5,000 each, and other assistants to the head of that great department in the nature of bureau chiefs, division heads, and others, numbering thousands.

#### ECONOMY OF A DEMOCRATIC SENATE.

The Senate during the first year of its transition from Republican to Democratic control has increased its permanent staff of clerks and other attaches of committees by 35 in number, with consequent annual increase in the pay roll amounting to \$49,380. It was stated that these employees were already on the rolls of that body by special resolutions or orders, but no inhibition of law against that facile method of adding to the Government's pay rolls accompanied this unprecedented increase in permanent places.

#### CIVIL SERVICE IGNORED.

It is not without significance that in the case of every one of these new and high-salaried offices, or instances where large salaries have been greatly increased, the places are such as can be or have been conferred upon the faithful and without the embarrassment or intervention of civil-service laws and regulations.

#### MORE JUNIOR NAVAL OFFICERS AND INCREASED NAVAL PAY.

It is estimated that under the operation of the act of July 9, 1913, 1,130 midshipmen at \$600 per annum each are authorized to be appointed additional to those that could have been appointed if this act had not passed. The annual pay of that number of midshipmen amounts to \$678,000.

The same act directs that midshipmen, on graduation after four years in the academy, be commissioned ensigns at \$1,700 per annum instead of serving as passed midshipmen at \$1,400 per annum for two years. It also has the effect of advancing all such graduates to the grade of junior lieutenant at \$2,000 per annum at the end of three years after graduation instead of at the end of five years, as previously provided.

#### THE RECORD OF ECONOMICAL DEMOCRACY.

What a record for this Democratic Congress and administration to contemplate.

Failure to pass the supply bills within the time required by the law establishing the fiscal year, involving loss in efficiency and economic administration.

Estimates of Government expenditures submitted by the Executive many millions of dollars in excess of any ever before presented to the Congress by any administration.

Appropriations exceeding those made last session by \$31,803,082.86 and vastly greater than those ever made at any session, not excepting even the comparatively recent period of the Spanish War, and exceeding those made at the last session of the last Republican Congress by \$62,725,895.54.

A host of high-salaried officials created and high salaries made higher.

The one appropriation bill showing a great and appreciable reduction is the one making provision for the payment of pensions to the veterans of the Civil War. They trimmed that to the extent of \$11,150,000.

#### DEMOCRATIC PROMISES MADE ARE MANY—THOSE KEPT ARE FEW.

I do not maintain that all these increases of appropriations and offices are unjustifiable, but I maintain that they contradict the constant charges of extravagance against us and are violations of the pledges on which the Democratic Party won their victory. The last Democratic platform said:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

[Laughter on the Republican side.]

The platform of 1908 said:

The Republican Congress in the session just ended made appropriations amounting to \$1,008,000,000, exceeding the total expenditures of the past fiscal year by \$90,000,000, and leaving a deficit of more than \$60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of working men and women, from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that, in the face of this shocking record, the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that stop be put to this frightful extravagance, and insist upon the strictest economy in every department compatible with frugal and efficient administration.

[Laughter on the Republican side.]

That but condensed the charges which have been hurled against us in this House during the 16 years of Republican control. Let me quote from the last speech made by the last Democrat who occupied the place I now hold, the ranking minority member of the Appropriations Committee, when performing the same duty I am performing now. On March 4, 1911, Mr. Livingston, of Georgia, said:

Mr. Speaker, to my mind the record of this session in appropriating \$1,025,489,661.54 for the service of the Government for the fiscal year 1912 demonstrates that until the Democratic Party comes into complete control of the Government, as I believe it will two years hence, this billion-dollar mark for a session's appropriations, established four years ago at the first session of the Sixtieth Congress, can not be substantially lowered, if lowered at all. \* \* \* The organization of the next Congress will find the control of the House of Representatives in the hands of the Democratic Party. We are for economy all along the line, but more particularly in those departments of the Government relating to the enormous expenditures for war purposes. We want to save the people of this country from the danger which threatens them because of the rampant expenditure of their money that has been going on for the past 12 years. We may not be able to control those measures beyond the influence of this House, but we will demonstrate to the people of this country that the Democratic Party keeps its word.

[Laughter on Republican side.]

Compare that prophecy by the mouthpiece of the minority party three years ago with its fulfillment by his party the past year, and you appreciate how "the Democratic Party keeps its word." Nor do I maintain that there has been no effort on the majority side to keep appropriations down and conform to their platform pledges. Here and there we have seen a solitary Democratic figure trying vainly to stem the tide of extravagance and faithlessness, but it has invariably been borne down and its voice of remonstrance has been but—

"The bubbling cry

Of some strong swimmer in his agony."

[Laughter and applause on Republican side.]

As an example, on April 10, 1914, Mr. FITZGERALD, chairman of the Appropriations Committee, said:

Mr. Chairman, it may seem somewhat strange, but I hope it is not out of place, to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of the Republicans and the abolishment of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public money. Whenever I think of the horrible mess I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people. \* \* \* My colleagues upon this floor seem either to be so indifferent to a very perilous situation for our party, or else, which I do not wish to believe, have so far forsaken Democratic practices and Democratic principles as not to deserve to continue in control of this Government.



We charged the Republicans for 12 years of my service in the House under Republican administration with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party, and in our attempts to show that what we charged in order to get into power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.

I appeal to them now before it is too late; I appeal to them now before we have gone beyond recall to stop the conduct of which they have been guilty. Do not continue to vote for these improper and imprudent appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions.

How much heed the Democratic Party gave to these remonstrances is evidenced by the figures I have given. Anyone who will study them ought to agree with Mr. FITZGERALD that "the Democratic Party is becoming the laughingstock of the country."

The Democratic Party since its origin has adopted in its platforms many planks which it has afterwards abandoned, but always and without exception it has declared itself the party of economy. So often has it reiterated this belief that I think it had almost deceived itself and had come to think that we Republicans were shamefully extravagant and that their return to power was necessary to save the Treasury. The action of this Congress ought to dispel from every honest mind that illusion. They have been extravagant in gross and they have been extravagant in detail. Let me cite one or two incidents as illustrations.

Their platform declares for "reduction in the number of useless offices." I can think of no office that was more useless than was the special resident commissioner of the Lincoln Memorial Commission. It was created as a sinecure for a venerable Republican when he retired from the Senate, broken with age, supposed to be penniless, having given his best years to the public service, and obviously with but a short lease of life. The law was so phrased that the office terminated upon his death. Within less than a year he died. Was the office allowed to lapse? Was the promise to reduce the number of useless offices kept? No; this party of economy revived the law and perpetuated the sinecure, only substituting the name of a popular Democrat who had once been a Senator, had since held a very lucrative office, and who I hope may live long, as he apparently will, to draw his comfortable salary. [Applause on the Republican side.]

A celebration of the opening of the Panama Canal was to be provided. There were plenty of officials already in the service to perform all the duties involved, both practical and ornamental, but an ex-editor of the Commoner, who had been drawing a salary of \$14,000 per year under this administration, was about to lose his office because by law it terminated on April 1. An appropriation was so arranged as to give him a superfluous place on the commission at the compensation of \$10,000 per year. This commission was not created until May 20, but as his other office terminated April 1, President Wilson considerably made an official order that his salary should date back and begin on April 1, although it was not until May 20 that the office was created. Thus he was saved the misfortune of a hiatus in his Government salary. I believe he resigned the office to run for governor of his State, but the incident illustrates the eagerness of the President and Congress to carry out their platform and reduce useless offices.

I will cite one more instance of the sincerity of their professions of economy: The last Republican Congress increased the salary of the Secretary to the President to \$7,500. That increase was fought by the Democratic Party here with a vehemence and fury quite disproportionate to the expense involved, and a casual observer would have thought that there could be no question of their intense hostility to the measure and that they really considered it an inexcusable extravagance. In the next Congress the House was Democratic and the Senate Republican, and a compromise was reached that the salary should continue at \$7,500 while that administration continued, but that on the 4th of March it should again revert to its former amount of \$6,000. At that time no one knew whether there would be a Republican or a Democratic President on the 4th of March, but the Democrats were loud in their professions that if they won the salary should remain at \$6,000. They won; and when faced with the actual fact that they were providing for one of their own, the same Democratic House ate their words, belied their previous action, and gave their own party official the \$7,500

which they had bitterly antagonized for ours. [Applause on the Republican side.]

How can the country believe their constant professions of economy? In the large totals and in the individual instances alike they prove that they are faithless. The estimates which were sent to Congress by the President were larger than ever before, the appropriations based on these estimates by the Congress were larger than ever before. The Democratic Executive which made the requests and the Democratic Legislature which granted them were equally culpable. Apparently for them a party platform is, in the language of to-day's diplomacy, but a "scrap of paper," to be violated at the first temptation.

And yet, despite these unanswerable figures, Democrats continue to claim that they are practicing economy and living up to their past professions, and I presume the country at large does not appreciate the baselessness and hypocrisy of their claims. A member of the Cabinet on the stump last week was reported as boldly declaring that the Democratic Party had kept all its pledges. A Democratic Member last week, arguing in favor of increasing a salary, avowed that they were pledged to the people of the United States to administer the Government economically and that "all our pledges are in good working order and that one is in good oiled condition." These are but instances of the claims that are being constantly made by Democrats everywhere. In view of the actual figures, one dislikes to speculate upon the peculiar reasoning and moral processes by which the promoters of these claims justify themselves.

Our opinion of a man or a party is determined not only by his conduct but by a comparison of his conduct with his professions. Conduct which we might excuse in one because justified by his beliefs we condemn in another because at variance with his declared principles. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite. To seek popularity and power on a platform which you abandon as soon as successful ought to forfeit future confidence and respect. As the Democratic President and Congress have broken their party pledges on the canal tolls and on the civil service, so have they broken that most venerable, reiterated, and invariable promise of economy. [Prolonged applause on the Republican side.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6398. An act to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.; and

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes.

#### ENROLLED JOINT RESOLUTION AND BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes; and

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.

#### EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize the exploration for coal, and so forth.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk reported the bill by title.

Mr. STAFFORD. Mr. Chairman, how much time remains in general debate?

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] had been recognized for 45 minutes and had used that time, and had been yielded 10 minutes more.

Mr. STAFFORD. Mr. Chairman, that does not answer the inquiry that I propounded. I asked how much time of general debate remained.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROTH] has 35 minutes remaining and the gentleman from Oklahoma has an hour and 10 minutes remaining. The Chair will recognize the gentleman from Wyoming for 10 minutes.

Mr. MONDELL. Mr. Chairman, in view of the fact that there is but little time remaining in general debate and that the gentleman in charge of the time has already been generous with me, I shall not use the additional 10 minutes, except to ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The Chair understands that the gentleman already has that privilege.

Mr. MONDELL. Mr. Chairman, I yield back the balance of the 10 minutes.

Mr. FERRIS. Mr. Chairman, I yield such time to the gentleman from Colorado [Mr. TAYLOR] as he desires to consume, within my time.

The CHAIRMAN (Mr. McKellar in the chair). The gentleman from Colorado is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I am not going to enter into a discussion of this bill in detail. I filed a minority report as one of the members of the Public Lands Committee, giving extensively my views upon the measure, and giving what I believed to be a succinct statement of the prevailing sentiment of the Western States. I also included a set of resolutions adopted by the governors of the public-land States at their meeting in Denver last April. I also incorporated a lengthy memorial from the Colorado Legislature to the President of the United States, adopted some time ago, and I also inserted a number of resolutions of various public associations, chambers of commerce, and so forth, expressing the prevailing sentiment of the Western States, or at least of my own State. I filed that minority report, not in any way criticizing the good faith or the patriotism of my colleagues, but because that report expressed my personal views, and I felt that it was a duty that I owed to the section of this Union that I in part represent to present their sentiments upon the floor of this House.

I made this minority report somewhat applicable not only to this bill but to the water-power leasing bill and to the general system of so-called conservation that is at this time being practiced upon us people in the West and is sought to be extended and enlarged in perpetuity by these leasing bills. I may say at the outset that possibly I would not have indulged in any extended remarks at all had it not been for the very lengthy and exhaustive address of my friend from Illinois [Mr. Thomson], largely devoted to my minority report. I think it would be a sufficient reply to the gentleman from Illinois to call attention merely to one fact. At the opening of his remarks he said that he had lived all of his life in the city of Chicago, and his horizon, so far as the West is concerned, was confined to the corporate limits of the Windy City by the Lake. It does seem to me that when the House knows, as it has been told heretofore, that I was born on the frontier, that I have spent all of my life among the pioneers of the West, that I have lived for over a third of a century in the State of Colorado, it would seem as though my judgment as to how these measures will affect our people and the development of the West is entitled to more consideration than the judgment of the gentleman from Chicago. I may say, furthermore, that the gentleman, in referring to our enabling act, does not give the act in full, as I did not expect him to do; but he does not even give the parts of it that are germane to this discussion and in which our rights are specifically set forth. If he had read a little farther and had given the House the benefit of what the people of the Western States believed they had a right to expect when they came into the Union, it might have broadened the scope of his remarks. For instance, the first section of the enabling act of the 3d day of March, 1875, by which the State of Colorado was admitted into the Union, provides:

That the inhabitants of the Territory of Colorado, included in the boundaries thereof designated, be, and they are hereby, authorized to form for themselves out of said Territory a State government with the name of the State of Colorado, which State when formed shall be admitted in the Union upon an equal footing with the original States in all respects whatsoever.

Mr. Chairman, how in the name of common sense can any one of the Western States come into this Union on an "equal footing with the original States in all respects whatsoever" if you

take from our States one-third or one-half of our territory and hold it in perpetuity in Federal ownership, never permit it to go into private ownership, and tax our people, the consumers in our States, for using that land and for using the proceeds that come from that land, depriving us of the taxes which we have a right to, to maintain our State, and putting this royalty into the Federal Treasury?

In other words, you make not a sovereign State out of any of the Western States, you make not even a Territory, but a Federal province of every one of them to be exploited for two purposes, or inevitable results—namely, one, the obtaining of revenue for the Federal Treasury at our expense, and the other, Federal jobs, bureaucratic, carpetbag control. That is what it amounts to. I want to say to my genial friends from the sunny South that during my six years of service in this House I never yet have been able to understand why the Members from the Southern States, that had such a long and serious experience in being governed by appointive officials from Washington, controlled by nonresident officers, can not only complacently vote for but work for propositions controlling our Western States the same way from Washington. I never yet have been able to understand why you gentlemen are willing and apparently anxious to do that. I am not criticizing you. I am simply calling attention to a similar situation. Most of the leading propagandists of this ultraconservation theory are honest men and are undoubtedly acting in good faith. The leaders of this conservation mania—because I look upon much of it as nothing else—honestly want to see the West conserved. They honestly want to prevent monopoly; and we of the West are just as honest and earnest as they are in our willingness to go the full limit as they are to prevent monopoly and waste and extortion. I have repeatedly stated on the floor of this House that you could not draw a bill any stronger than I would approve against prevention of monopoly of any of our resources of the West, or prevention against extortion or waste. I do not care how many sane conditions you may put upon the title. But we do insist that the property should ultimately be allowed to go into private ownership, the same as it has done in all of the Eastern and Middle States; that it should some time go onto the tax roll, and that the people that are settled upon it should eventually become permanent citizens and not Federal tenants; that they should be people who come with an interest in building up our States, and that the property should pay taxes and help support the State and county governments and the schools and roads and courts, and thus make our Western States great and prosperous and wealthy States like these other older States.

I remember one time, when I was a boy at college in the University of Michigan, running away from Ann Arbor with some other boys and going down to Detroit to hear Bob Ingersoll deliver an address. I remember him saying that it is always the people that have homes who defend the flag. He said, "I never heard of anybody going to war to defend a boarding house." Tenants at will, transient people, whose occupancy is by revocable permits, are not the ones who either make or defend a country. It is the people who have their homes and their property, the home builder, the man who buys his property and lives upon it and improves it, that we want in the West. We want people who come to stay and to build for themselves and their children. We do not want people to live in perpetual dread of being evicted by a Federal employee for some trifling transgression of some impractical rule.

We do not want our State peopled by a horde of temporary Federal tenants, who have no allegiance to our State, who have nothing in property there except a leasehold rental which they have obtained from Washington and which can be revoked for any violation of the regulations by any petty subordinate official. That is not the kind of people upon which to build up a great State, and it is for that reason that the West, as I view it, objects to this entire leasing policy. It is the whole leasing propaganda that we look upon as inimical to our development. We say the theory is not only fallacious and impractical, but wrong and unjust to the West. We say you will have the same experience with this law that the Government had from 1807 to 1847. We had 40 years' experience with this leasing policy. They can say there is some little minutia of difference, and there is some, but the principle is the same. Congress adopted a leasing policy in 1807 and inflicted it upon the States of Illinois, Missouri, and other States, and it was tried for 40 years. During all of that time those States tried to dislodge that system from their shoulders and showed that it was an incubus and an outrage. The entire delegations of Illinois, Missouri, and elsewhere worked against it and fought it heroically for 40 years before they could dislodge it and get out from under and get the property into private ownership. But they



finally succeeded, and the property that the Federal Government was formerly controlling has since been taxed by the State. What was the result of it? The result of it was that the royalties which were received from rentals of all this Government property were so infinitesimally small that they amounted to comparatively nothing. The cost of administration, the cost of the army of Federal agents to supervise that property, their salaries and expenses, was something over four times more than the entire gross receipts from royalties. Now, you gentlemen are putting on the West that same kind of an infamous proposition to-day. You intend to inflict upon us these leasing measures. Instead of preventing monopoly it appears to me more likely to perpetuate the monopoly which the present owners of coal land have by the present withdrawal and high classification policy. The fact that this bill retains the present law and allows coal land to be purchased and go into private ownership is—I will not say intentionally, but in reality—a subterfuge and a delusion; it amounts to nothing at all, because the coal lands are now classified ten times as high as they are worth, so that provision amounts to nothing. It is a fictitious sham. It simply means that there will be nothing else but a leasing policy.

At page 16 of his report for the year ending June 30, 1910, Secretary of the Interior Ballinger made a report upon the question of the proper disposition of the public coal lands, and conclusively showed the impracticability and fallacy of the Government going into the coal-leasing business, as follows:

#### COAL LANDS.

Respecting the disposition of coal in the public lands, I call attention to what was said on this subject in my last annual report, to the effect that new legislation was desirable and that the most advantageous method of disposal of coal deposits will be found in a measure authorizing the lease or sale thereof subject to forfeiture for failure to exercise the rights granted, with restrictions on mining operations in order to conserve the deposit as a public utility. In my annual report as Commissioner of the General Land Office in 1907 I gave the reasons which impelled me to believe that the best interests of the Government will be subserved by a sale rather than a lease of the deposits. I also set forth in an official statement some of the difficulties which I thought would be encountered by the Government in the operation of a leasing system, as follows:

"First. Under a sale of a deposit an owner would not need that supervision that a lessee would necessarily be under in the matter of protecting the mine as against wasteful and ruinous operation. In operation it will be found that a lessee will naturally have an incentive to produce as much coal, with as little expenditure in honest development, as possible, resulting in many cases of robbing the mine—that is, leaving insufficient timbering, pillars, air shafts, etc., to maintain its permanency while the coal of this or overlying seams is being removed; and the high grade or more valuable coals will often be worked out and the low grades left in the mine, resulting in a total loss thereof to the public. Furthermore, upon the termination of a lease or other abandonment, Government maintenance will be necessary in many cases which would not occur under the sale system. Government maintenance would mean retimbering and a continuance of physical improvements to prevent decay and loss of the deposits from fire, cave-ins, floodings, etc. It is true that in case of forfeiture under the sale of the deposits similar maintenance would be necessary except upon a resale; but the cases in which forfeiture would occur under the sale system would be small compared with the abandonments or forfeitures under the leasing system.

"Second. The collection of rentals, royalties, or tolls, as the case may be, under a leasing system will necessarily involve the maintenance of a numerous body of Government employees at a great expense to the Government, and add further expense for a detailed system of accounting. This increased expense involved in the leasing of coal deposits will, of necessity, increase the price of coal to the consumer and will also be a constant menace in administration as likely to produce in many instances public scandal if not corrupt practices. These objectionable features would appear to me to be practically removed under a sale of the deposits.

"Third. Regulations, under the leasing system, will be likely to trench upon the police power of the States as to mine inspection; supervision, and regulation, where under the sale system there could be little or no conflict.

"Fourth. In the operation of a coal mine under a lease from the Federal Government the lease would necessarily have to be so worded as to protect the Government against liability for negligence on the part of the operator, resulting from loss of life or destruction of property. In case the Government's agents were likewise grossly negligent in enforcing the regulations a grave question is presented, whether or not the Government is not at least morally liable."

I consider it highly important that Congress take action in giving the department an effective method of disposition of coal lands and deposits, especially in Alaska. The question of whether it should be by a sale of the deposit or through a leasing method is one to be determined by Congress. In Alaska it is possible that a leasing system could be adapted to the country with great efficiency and with less complication than in the States. Under the present coal-land laws the appraisement, as fixed by the department, is at a price estimated on the basis of a reasonable royalty, except in Alaska, where the price by law is fixed at a flat acreage rate, and in the States the administrative policy is to secure by sale what would accrue to the Government if the deposits were mined on a royalty basis.

That statement is just as true now as it was then, and everyone who knows anything about practical coal mining will, I think, realize that Secretary Ballinger's statement is not far from just what will happen when the Interior Department starts in to run the coal mines of the West. Moreover, the consumers or the Government will be burdened with the enormous

expense of maintaining an army of coal-mine inspectors and arrogant and irritating agents, with no commensurate benefit whatever.

The majority report on this bill says:

Our laws are in many respects crude, irreconcilable, inefficient, without uniformity, confusing to the brain of the miner, impossible of interpretation by the layman—a jargon of inconsistencies retarding progress and development. Most of our so-called mineral laws in truth and in fact are not laws at all, but are simply a jargon of executive orders, rulings, interpretations, and decisions made by different bureau chiefs and clerks in the ramifications of the various bureaus of the Interior Department.

That is a humiliating confession, if it be true, and I think there is no question but it correctly states the manner in which those laws have been administered in that department during the past few years. But the West is not to blame for it, and that condition affords no excuse for this radical and sudden change in our entire system of government toward those States.

To me these paternalistic and centralizing tendencies appear little short of national bureaucracy run mad. Conservation has become a mania. I hope I may be mistaken, but this policy looks to me like a bold trampling upon the principle which lies at the foundation of our republican form of government. It appears to me as a brazen denial of the "equal footing" upon which the Western States entered this Union. American citizens do not take kindly to absentee landlordism. We do not like the idea of perpetual bureaucratic rule. We prefer to be governed by the law and by our own people instead of by rules and regulations promulgated from the city of Washington, oftentimes by people who have no personal knowledge of our local conditions. We believe these measures forever fasten upon the people of the West and the resources within our States the bureaucratic grasp of the Federal Government. We know that bureaucracy grows on what it feeds upon. We want the laws intelligently framed in the light of the welfare of the governed as well as the governing bodies. Let us western people develop the resources in our States under whatever reasonable restrictions you may deem proper and we will soon become a storehouse of wealth to this Nation.

While it may be true, as stated in the majority report, that "the mining of coal may well be termed a rich man's business," that condition, in my judgment, has largely been brought about at the present time by the valuation of coal upon the public domain being deliberately placed at such a high price that no one but a rich corporation can afford to buy it. And while it is true that this bill retains a provision for the sale of coal land, yet that provision of the present law amounts to comparatively nothing so long as the price fixed by the classification on the 20,000,000 acres restored is approximately ten times as high as it should be and is clear beyond the reach of ordinary individuals or municipalities. I will not say that that defense of this bill is hypocritical, but I will say that it is an utter delusion. Moreover, there are 56,300,000 acres now withdrawn and not classified and never will be either restored to public entry or classified.

As a matter of fact, the Government of the United States can not practically mine coal in competition with private people who own coal mines and who understand the coal business; and when the Government attempts to go into the coal business—and that is what it is now proposing, nothing else—when the Government of the United States attempts to go into the coal-mining business in the West, it is going to find it one of the most expensive and unwise experiments that the Government has ever embarked upon, and I prophesy and warn you now that it will be a failure. How many years it will take our people out there to shake it off, to dislodge this incubus from our shoulders, I do not know. I do not believe it will take us 40 years, like it did Illinois, Missouri, and the other States. It is true that there are some people who are exceedingly anxious for a change in the present withdrawal and excessive classification policy. They say that the Government has arbitrarily been pursuing a dog-in-the-manger policy so long they want a change at any price. They insist the coal land is so high nobody can or will buy any, and there are no coal mines being opened. My recollection is there were only seven final coal entries in the entire western country in a year, and only two in my State. I believe that is correct. The result is that the coal companies that now own coal land in the West have one of the greatest monopolies that has ever been known in our country, and the Government has given it to them. This withdrawal policy has allowed them to increase their prices of coal, which the people throughout that country have to pay. The effect out there of this conservation has been to raise the price of coal to the consumer from about \$2.50 and \$3 to \$6 and \$9 per ton.

That is the practical result of conservation upon the people upon whom it is practiced. It has been worth millions and millions of dollars to the big coal companies, because it has effectually withdrawn from entry the coal lands. Now, whether or not the opening up of the coal lands on leases and maintaining them by royalties will reduce the price remains to be seen. I apprehend it will not. I can see no likelihood of anyone running a Government coal mine and paying a Government royalty and submitting to Government espionage and Government supervision all the time and still mining coal any cheaper than the private companies can, so that I do not see any relief to the consumer promised from the enactment of this bill. But my objections to the bill are based on different grounds. I think there will be some leases taken under this bill, especially after it has been greatly improved upon by the Senate. I think there are many persons and corporations who would rather get a coal mine for nothing and gut it on a royalty than to pay for it. I am not concerned about the coal companies. They can usually take care of themselves. I apprehend they will have no objections to this bill, except as it may in some localities tend to interfere with their present monopoly. My concern about this leasing scheme is as to how it will affect the welfare of the consumer, the people, and the States in which the coal lands are situated, and what the ultimate result will be to the Federal Government.

My contention is (a) that the cost of administration, the salaries, and expenses will be more than the royalties, and that it will be a losing proposition financially to the Federal Government; (b) that the law will soon create a great horde of unnecessary Government employees that can never on this earth be gotten rid of; (c) that tenants never care for or work property as economically as owners do. They pick out the best and waste and destroy the rest, and let the property go to rack and ruin; (d) this system will bring about the most profligately wasteful method of coal mining ever witnessed in this country. So that the Government stands to lose in every way.

But the States and counties in which the coal lands are leased will be by far the greatest losers. They lose the taxes which that property should pay; they lose the permanent freehold citizenship of the mining people, that is necessary under a free republic and a representative form of government. But, worse than all that, they surrender the sovereign right of American citizens to local self-government, and become permanently helpless, if not servile, tenants under petty Federal tyrants and autocratic predatory bureaucrats. That system is a menace to self-government and an outrage upon a free people.

The gentleman from New York [Mr. FITZGERALD], in his very forcible and exhaustive speech the other day upon the subject of the appropriations being made by this Congress, used the following language:

We are living in a peculiar era. Heretofore the States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents has been universally resented and vigorously resisted.

Lately, however, there seems to have been created a new and entirely different atmosphere. Instead of resisting the extension and enlargement of the activities of the Federal Government, they seem to be welcomed everywhere. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.

The gentleman is eminently accurate in his observations of the changes that have been going on in this country, especially during recent years. It is more noticeable than ever since the breaking out of this European war. It seems like the tendency all over the country is to look to Washington rather than their own State government. I very much deplore this tendency. But there is no shutting our eyes to the fact that it is prevailing throughout the United States at the present time.

My idea about this conservation business and about these western resources, especially the coal, is that they ought to be classified at a fair and sensible figure; that Congress ought to limit the amount that any one person or concern can own, either directly or indirectly, and then reserve and preserve in the title the right to regulate the price and the rate, either through the Interstate Commerce Commission or the public-utilities commissions of the States, or both, and prevent monopoly and extortion in that way, but to allow the title to pass ultimately into private ownership subject to those conditions, restrictions, limitations, and reservations, because then the property would go on the tax roll and the owners would be subject to the laws of the States instead of only the Federal Government, and they would be citizens of our States instead of Federal tenants of our territory. A dual form of government in a State is bad.

Now, as I said before, some of our people are so anxious to have the water powers constructed, and to have some new coal mines opened up, with the hope of getting away from the extortion of the present companies, that they are willing to accept

this or almost any kind of a proposition. They are like my friend from Wyoming [Mr. MONDELL], who says that while he has always been opposed to it and is now, nevertheless he is so anxious to have some more coal land opened up that he is now favoring this scheme; and there are others who follow that line of reasoning. I believe, however, with the people of the West, who contend that the western people have an inherent right to see their territory go into private ownership, the same as that of the other States, and believe that this is a species of Federal perpetual control over our State, putting one-third or possibly one-half of the State under Federal jurisdiction and the remainder under State jurisdiction, making half or two-thirds of the State which the citizens will own ultimately support the State and county governments and the roads and schools and the courts and the public improvements on all this imperial crown land of the public domain. I can see nothing fair or right or even honest in any monarchical scheme of that kind. We feel that that policy is false to the Government itself, and is an outrage upon the people. It is not fair to the West. We feel that the Government is making an economical mistake. We feel that it is deliberately wronging our country, and we feel, furthermore, that it is a deliberate violation of the spirit and letter of the enabling act under which our States were admitted into the Union. It is a violation, as we believe, of our constitutional right of equality among the States of the Union.

Mr. BOWDLE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BOWDLE. The gentleman does not mean to say that the enabling act, properly construed, would require the Government to pass title to the public domain over to the State?

Mr. TAYLOR of Colorado. Oh, no; not to the States themselves, but to the settlers who want to live upon and develop those lands and resources.

Mr. BOWDLE. Does the gentleman mean to say that the general policy of conservation as exercised by the Government is a failure?

Mr. TAYLOR of Colorado. Why, it depends on what you call the general policy of conservation. In some respects some of it is beneficial. It is a success in producing Federal jobs; but it is not a success in producing revenue, and it certainly is a failure in developing the western country. I believe this leasing policy will be a deplorable failure in many ways. It will add to the pay roll of the Government of the United States 10,000 unnecessary Government employees. Now, if it is the object of the Government to create jobs, if it is the object of the Government to try to raise Federal revenue by taxing our people out there for trying to develop the country, then it will undoubtedly be a success. But if the object is to build up free and equal and great States and to allow the property in an orderly way to gradually but ultimately go into private ownership, the same as it has in other States, then I say this conservation policy is a violation of our State rights. I do not use the words "State rights" in any narrow sense, but in the sense of our inherent right as equal, coordinate Commonwealths and parts of this Union. In other words, I believe that it is a discrimination against us, and the West has always felt that way; at least the people of my State have always looked upon it that way.

I may say in passing that I noticed in this morning's papers from my State that a very distinguished gentleman who signed the memorial that was exultantly put in the Record by my friend from Illinois [Mr. THOMSON] in his speech day before yesterday was running for governor in our State. He is one of the most prominent men and active conservationists in the State. He is a thoroughly competent and good man, and yet he came out the lowest man in the race in the State primaries. He believes in the kind of conservation as set forth in the article that was inserted in the speech of my friend from Illinois the other day, and that vote, I think, can largely be taken as an indication of public sentiment. I think most of the vote he received was in spite of his conservation ideas, because he is a good fellow.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. These questions of conservation in connection with the candidacy of the gentleman to whom my friend from Colorado refers were not an issue in that contest.

Mr. TAYLOR of Colorado. Oh, yes; they were. They have always been an issue. They have been an issue with our people ever since Gifford Pinchot first commenced coming out to Colorado; ever since the forest reserves were set aside. From that



hour until this conservation has been a live issue in every election in the State of Colorado, and will be this fall. And if my opponent for Congress this fall stands upon the Pinchot conservation progressive platform I do not believe he will get enough votes outside of his own county to know he is running. [Laughter.]

I do not say this in a boasting way at all, because I am merely presenting what many thousands of others feel. It is the sentiment of my State. Colorado feels that this policy is wrong. We feel that the Government is making a mistake. We feel that our rights are being violated. We feel that our State can never be the prosperous and wealthy State it otherwise would be and ought to be, so long as the Federal Government holds and controls all of our resources. We have about eight or nine million acres of coal lands in the State of Colorado. The Geological Survey reports that there is enough coal land in Colorado alone to supply the entire United States with coal for 300 years at the present rate of consumption.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. To whom does the coal land in the public domain in your State belong?

Mr. TAYLOR of Colorado. It belongs to the people of the United States, in trust, and in no other way.

Mr. THOMSON of Illinois. In what way?

Mr. TAYLOR of Colorado. In trust, for the use of the people.

Mr. THOMSON of Illinois. What people?

Mr. TAYLOR of Colorado. The people of Colorado or any other State who honestly want to go and take it up and pay for it at a reasonable price, and develop it, and pay taxes on it, and build up and settle up the country, reclaim the country and make homes and prosperous communities, and put it in private ownership and develop it. The land is of no earthly use or benefit to the Government or anyone else the way it stands now.

Mr. THOMSON of Illinois. Will the gentleman yield further?

Mr. TAYLOR of Colorado. I will yield for a question only.

Mr. THOMSON of Illinois. What is the basis of the gentleman's contention that the coal that is in the public lands of his State is the property of the people of the United States, in trust for anybody, or particularly for the people in the gentleman's State?

Mr. TAYLOR of Colorado. Because when the State was admitted into the Union the lands within the State were reserved by the Government, to be disposed of to settlers in exactly the same way that the Government disposed of all of its public domain within the borders of all other States after they were admitted into the Union. The Government did not admit the gentleman's State with the intention of holding the title to the public lands in Illinois in perpetuity. It admitted your State into the Union, and retained the ownership of the land in the Government, but upon the express understanding, which has always been followed out for over 100 years, that the Government would allow the land, in an orderly way and as expeditiously as it could be done commensurate with the development of the country, to go into private ownership, and to go to home seekers and settlers, at a reasonable price that would induce settlement and investment; and Colorado came into the Union under the same theory, with the understanding that as to our lands ultimately Uncle Sam would allow them to go into the hands of people who came out there to take them up and to become citizens and to develop the State.

Colorado needs and could gradually and in a very few years accommodate 400,000 home-seeking settlers. About half of them should be farmers and the rest business men, miners, and laborers.

Mr. LENROOT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. Does not the gentleman know that the Supreme Court of the United States has held in a number of cases that the Government holds and owns its land in exactly the same way that a private proprietor owns private land?

Mr. TAYLOR of Colorado. No. I think that statement is too broad.

Mr. LENROOT. And that it has exactly the same control over them?

Mr. TAYLOR of Colorado. I must differ with the gentleman as to what the Supreme Court has decided. The decisions of the Supreme Court on this question are cited in the recent decisions of the Supreme Court of California in the case of *In re Deseret Water, Oil & Irrigation Co. against The State of California*. If the gentleman will look at that case and the *Kansas v. Colorado* case (206 U. S., 46) he will find my idea of the law.

Mr. LENROOT. I will put the decision in the Record later, to satisfy the gentleman.

Mr. TAYLOR of Colorado. I put in the Record the decisions of the Supreme Court of the United States, and the Constitution and the law, as I understand it, in my speech on the water-power leasing bill on Monday, August 17, 1914, at pages 13680 to 13690 of the Record.

The United States has not and never had any municipal sovereignty, jurisdiction, or right of soil to any of the lands within the borders of any of the Western States, excepting a title or ownership in trust, and temporarily only, for the sole purpose and under the express agreement to convey the lands to the people to settle upon, make homes, and build States, and thereby develop this country.

As to our water rights the act of Congress of July 26, 1866, provides that—

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Rev. Stat., 2339.)

The act of 1870 also provides that—

All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section. (Rev. Stat., 2340.)

In other words, the Government of the United States has always recognized our ownership of and the right to appropriate the waters of our streams and our right to run irrigation ditches across the public domain, and recognized that it should not be interfered with either by the Government or by subsequent settlers; and when we came into the Union we submitted to the Congress and to the President of the United States a constitution which contained this clause:

*Water public property.*—The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

*Right of appropriation.*—The right to divert unappropriated waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes.

Now, the Supreme Court of the United States, in the case of *Kansas v. Colorado* (206 U. S., 46-118), decided:

That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

Now, the companion bill to this says that not only shall the Government control it, but that we have got from this time on to pay a royalty for the use of those very waters for every horsepower that is generated within our Commonwealth; in effect, penalize our development under the guise of conservation.

Mr. LENROOT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. I know the gentleman does not wish to make an inaccurate statement.

Mr. TAYLOR of Colorado. Certainly not.

Mr. LENROOT. But the gentleman must know that that royalty is for the use of the land. It is so stated in the bill.

Mr. TAYLOR of Colorado. Let me ask the gentleman, if it is for the use of the land and not the water, why is it that if a transmission line only runs across 10 acres of Government worthless rocky land on the side of a barren mountain, land that would not be worth a cent an acre, the Government of the United States puts a royalty charge upon the output of the entire plant for the use of that infinitesimal part of Government land? What right has the Government to charge a royalty of, say, \$10,000 a year for the occupation of a strip of land worth 10 cents? Why should development be retarded and the consumers be penalized under a pretext of that kind?

Mr. LENROOT. Because the gentleman is now speaking of the legal rights of the United States, and the Government has a right to make any conditions it chooses, and the legal basis is

the ownership of the land, and no claim of ownership of the water.

Mr. TAYLOR of Colorado. The gentleman is side-stepping the question. Does the gentleman mean to say that that is an answer as to why the Government charges an enormous amount of royalty on a power plant, for the use of a piece of Government land that is not worth a nickel? Is that the gentleman's idea of fair treatment of the Western States? I look upon that contention of the conservationists as a hypocritical subterfuge and as a swindle upon our people. We would gladly pay the Government for the land we use, and pay all it is worth, or many times more than it is worth; but we object to paying the Government a perpetual royalty tax for the use of the water that we absolutely own, and the Government has no interest in it whatever.

Mr. LENROOT. The gentleman is discussing a legal proposition which I suggested to him, and that is what I am discussing.

Mr. TAYLOR of Colorado. The same principle applies to the leasing of coal land that applies to grazing land. Mr. KENT, of California, has a bill pending before our committee seeking to withdraw from entry all the grazing land—in fact, practically all the public domain in the Western States—and put it into a royalty leasing proposition. That would be a magnificent scheme for the big cattle barons of the West. But the passage of such a bill would be equivalent to repealing and wiping out the homestead and desert-land laws. It would absolutely stop the settlement of the public domains.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. STEPHENS of Texas. Does the gentleman know that my State has been trying that for 25 years and found it very beneficial—the best disposition we could possibly make of the public domain of the State? I think it would be for the benefit of the United States to lease it and let the cattlemen and the sheepmen and the horsemen have certain definite boundaries in which they could keep their stock and not have the cattlemen and the sheepmen continually fighting and carrying on an eternal warfare. As I say, we have tried it for 25 years, and it has worked splendidly.

Mr. TAYLOR of Colorado. I do not want to get into an argument about the State of Texas. The conditions in his State were entirely different. The land all belonged to the State. It was all grazing land, and the State leased it in very large tracts to the cattlemen until it was wanted for settlers for homes. Then the ranges were cut up into farms and the leasing ceased. The land has since been used for better purposes and your population and wealth has increased accordingly. How much has the gentleman's State increased in population within the last 25 years?

Mr. STEPHENS of Texas. It has more than doubled, and the land has trebled in value.

Mr. TAYLOR of Colorado. Yes; your population has doubled, your wealth trebled, and the number and value of cattle have increased just in proportion as your leasing system was abandoned and your big ranges have been cut up into farms.

Mr. STEPHENS of Texas. There is not a cattleman or a farmer that would go back to the old system. It was a most wasteful and dangerous system. No man now would dare to run for office on that idea or offer a bill to repeal those laws.

Mr. HUMPHREY of Washington. I would like to ask the gentleman from Texas. Does he mean that he is in favor of leasing land that is fit for homestead settlement?

Mr. STEPHENS of Texas. We have this kind of provision, and I think it would work well for the United States: Where a man has a lease of 5 or 10 years of agricultural land and a man desires to take it in good faith as a homestead the lease expires, and then it is taken up by the actual settler for his use and benefit.

Mr. TAYLOR of Colorado. And when the land is settled upon and goes into homes and men go on it and make farms the land is worth a hundred times as much to the State as it was when it was leased as grazing land. The trouble is that a leasing system and a homestead-settlement system will not work together; that is now conceded by everyone who is honest and knows what he is talking about.

Mr. HUMPHREY of Washington. They are in favor of leasing land that is not fit for anything else.

Mr. STEPHENS of Texas. We are doing no more than the United States is now doing. You are leasing Indian reservations all over the country and forest reserves.

Mr. TAYLOR of Colorado. The advocates of the grazing-land leasing law dare not directly try to repeal the homestead law, although I think they would like to. But they are

trying, indirectly, to repeal all the public-land laws by this leasing scheme. If the Government wants to lease the public land, it is necessary to, and it will practically, retain it in Federal ownership perpetually. If the Government of the United States is going to do that, it ought to pay taxes on the land to the States for the support of the State governments.

Mr. OGLESBY. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. OGLESBY. I am in a good deal of sympathy with the gentleman in his position on several matters, particularly that of the Federal Government exacting revenue for work of the coal mines. But why does the gentleman think the exemption of this public land from the payment of taxes to the State is an injustice when the State does not have to lease the land or care for it?

Mr. TAYLOR of Colorado. Yes; it does. The State maintains a State government. The counties maintain county governments. They both maintain the courts. They maintain the schools that the Federal agents and tenants send their children to. They build the roads that they travel over. They build up and maintain civilized society.

Mr. OGLESBY. What tenants—the operators of the coal mines?

Mr. TAYLOR of Colorado. The tenants on the leased property. Does not the State furnish the courts to protect all this property and the people upon it? A considerable part of the expense of our courts comes from the administration of justice on the Government lands. We have to foot the bills. The taxpayers of the State, the people who live on patented lands, are the ones who provide the funds for the development of our State. Why should we supply the Government and its agents and tenants with modern civilization on a silver platter without any expense, and, moreover, pay the Government a royalty on our own resources for the privilege of doing so? Why should the citizens of Colorado pay any more than the citizens of Illinois? Why should our people be compelled to pay the Government a royalty on the coal mined in my State when neither the people of Illinois or of any other State have ever in the history of our country paid the Government one dollar royalty for the coal mined in those States?

Mr. MANN. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. I want to ask the gentleman from Colorado a question. The gentleman spoke about paying a royalty where the Government has 10 acres and a line for the transmission of power crosses it. How much royalty does the Government exact?

Mr. TAYLOR of Colorado. Well, the gentleman remembers the bitter fight we had two years ago over the California hydroelectric power company that wanted to run across a little piece of vacant, rocky, steep, sidehill Government land less than a quarter of a mile long, while its transmission line was something like 75 or 100 miles in length over private lands; and yet the Government agents insisted that the company should be compelled to pay what amounted to a high royalty on the whole plant and all the company's receipts. It was a brazen holdup, but no more so than will be practiced all over the West under these water-power, coal, and other leasing bills if they ever become a law.

Mr. MANN. I thought the gentleman was referring to the recent dam bill that was passed.

Mr. TAYLOR of Colorado. No; I was not referring to the Adamson bill. That applies only to navigable streams and does not affect us on the public lands. We have a power company adjoining my home town of Glenwood Springs, Colo., which transmits power to the city of Denver to run street cars and for many useful purposes, and because the transmission line runs a part of the way across a forest reserve the Federal officials are suing the company for a royalty, notwithstanding the company got, by an act of Congress years ago, the express right to build that plant before this question came up. Nevertheless the Government is trying to force that company—the Central Power Co.—to pay a royalty because the transmission line runs across a part of the public domain.

Mr. MANN. How much royalty?

Mr. TAYLOR of Colorado. I do not know.

Mr. MANN. The gentleman spoke as though the Government was exacting a great sum for useless property.

Mr. TAYLOR of Colorado. The land used is utterly worthless; but it is used as an utterly unfair pretext to penalize our people. We do not like the principle of taxation upon any such outrageous pretense as that.

Mr. MANN. I do not know of anybody that likes taxation when applied to themselves.



Mr. TAYLOR of Colorado. The Government will not and can not and ought not to develop those resources itself, and yet these bills will compel us to either allow those resources to remain idle indefinitely or force us to pay an unjust tribute to the Government for the use of our waters, which the Government does not own, or for the coal that the people should be allowed to use as cheap as possible, especially when Uncle Sam has 75,000,000 acres of it.

Mr. HUMPHREY of Washington. The main purpose of the Forestry Service is, in a question of that kind, to demonstrate their right to do it. That is what it seems to amount to. They want to establish their right more than they care for the revenue. They want to demonstrate that they have the right to hold up and tax anyone that crosses a forest reserve.

Mr. TAYLOR of Colorado. They want this law to legalize that holdup. They are more anxious to establish the power now than they are about the amount of the royalty. These royalties may be small now. The royalty may look very small just now, but there is nothing to prevent Congress from increasing it at any session. Congress can double the rate every session and we could not prevent it, and what is much worse, the Government agents can increase it by the way they will construe their regulations. We fear that when the power is given and the principle is established the rates will soon become much more burdensome than they now look in these bills.

Mr. MANN. The gentleman will pardon me. I understand, then, that the gentleman is more afraid of what may happen than of what is happening?

Mr. TAYLOR of Colorado. We feel that these leasing bills will establish and permanently fix a burdensome and unjust principle of taxation upon us, without our consent, or without our power to prevent, and that the royalties will be determined by people living a long way off, who know nothing about our conditions and have no interest in our welfare, just like the gentleman from Illinois [Mr. THOMSON], who I suppose never saw a forest reserve in his life; and yet you people are the ones who are trying to force this law upon us.

Mr. MANN. I do not need to defend my colleague from Illinois.

Mr. TAYLOR of Colorado. I know the gentleman does not, and I am not making any attack upon him personally. He is individually a good man and one of my friends on the committee; but it is impossible for him to know what is best for our western people or how best to develop that country.

Mr. MANN. When the gentleman from Colorado says that my colleague knows nothing about it, that is a pure assumption, such as the people from the West often indulge in.

Mr. HUMPHREY of Washington. The gentleman should have heard his statement yesterday about the Northwest.

Mr. TAYLOR of Colorado. Why, he made the statement yesterday himself that he had lived all of his life in the city of Chicago.

Mr. MANN. Suppose he has; that does not deprive him of common sense.

Mr. TAYLOR of Colorado. Certainly not; but he might have a great deal of common sense, generally speaking, and still know nothing about the hardships of pioneer life on the public domain.

Mr. MANN. And he has listened to long and interesting statements by the gentleman from Colorado.

Mr. TAYLOR of Colorado. If I undertook to tell you how to run the city of Chicago—

Mr. MANN. Oh, you are doing that all the time.

Mr. TAYLOR of Colorado. No; I am not at all.

Mr. MANN. Oh, surely.

Mr. TAYLOR of Colorado. You would say that while I might have some common sense, I did not know what I was talking about.

Mr. MANN. Oh, you are passing bills all the time here to regulate business that is carried on in Chicago and not carried on in Colorado, and the gentleman has voted for every one of them.

Mr. TAYLOR of Colorado. It is not the western people who are framing those laws or urging their passage.

Mr. MANN. And that is only because they are not numerically strong enough.

Mr. TAYLOR of Colorado. If we had the power, we would compel the rest of the country to treat the Western States the same way the Government has treated your State and all the other States. That is all we would ask—simply a square deal. But now we do not have any representation on those powerful committees that determine the laws and appropriations that affect the gentleman's city. Only about 6 or 8 per cent of the membership of this House comes from the public-land States.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. I shall not take up any time to answer the gentleman's statement that I do not know anything about this question or that I have never seen a forest reserve, but will take time to answer that later on under the five-minute rule. I want to say this: The gentleman from Colorado stated that his State had to educate the children of all of these tenants who were not citizens of Colorado, and so on. Is it not a fact that every man who takes a lease or is interested in a lease there—a coal lease, or an oil lease, or a phosphate lease, or any one of the leases under this bill in the gentleman's State—will doubtless own a home somewhere in the State?

Mr. TAYLOR of Colorado. Why, no; not necessarily at all.

Mr. THOMSON of Illinois. And that his interest will not be confined to his leasehold?

Mr. TAYLOR of Colorado. No; he probably will not own any land, because the Government will retain the title to the land on which he works, and he probably can not under this proposed system.

Mr. THOMSON of Illinois. Will he live on the leasehold?

Mr. TAYLOR of Colorado. Surely. A coal camp is built at the coal mine, and it will hereafter be built on the Government land, and the entire town will be on the Government land, and he will not pay any taxes on land to the State at all.

Mr. THOMSON of Illinois. There is nothing in this bill to prevent these lessees being citizens of the gentleman's State and owning their own homes on the State property.

Mr. TAYLOR of Colorado. If they are going to mine coal, they will live where the coal is. If the Government holds the 9,000,000 acres of coal lands in Colorado and lessees settle upon it to operate a coal mine, they and their employees are not going to the city of Denver or some distant place to buy a lot to live on. They must live where their work is.

Mr. THOMSON of Illinois. Is not the gentleman making a pure assumption to fit the ideas that he has of this bill?

Mr. TAYLOR of Colorado. I am giving my ideas of what practical coal mining is, and I have lived near coal mines and have seen them operated for 35 years. I know how coal is mined in the West, and how coal camps are situated. I have them in my home county.

Mr. THOMSON of Illinois. Will the gentleman yield for one further question?

Mr. TAYLOR of Colorado. Yes; for a question, but not for a speech.

Mr. THOMSON of Illinois. I have not made any speech in the gentleman's time. If a coal lease is taken, or an oil lease, that leaves the surface of the ground available, does it not, for homesteading and other purposes?

Mr. TAYLOR of Colorado. If it is agricultural land, it does. But even if it was agricultural land, a homesteader could not take it near to or in any way that would interfere with the coal-mining operations of the Federal lessee.

Mr. THOMSON of Illinois. There is nothing in this bill that seeks to lease land that is suitable for homesteading.

Mr. TAYLOR of Colorado. Ninety-five per cent of the coal land on the public domain is not homestead land at all. If it were, it would have been taken long before this. It is usually in a rough country, in the mountainous portions of the State, and it is usually land that nobody would take, unless to graze cattle over it. It simply means that whole towns, coal-mining camps, will be built upon the public lands and occupied by tenants and employees who have little or no interest in our States or in anything else, except possibly an allegiance to the Government of the United States. That is what we fear it means—paying no taxes—and yet our State will have to support the local State and county governments and the laws that protect them. We are not only deprived of the taxes, but penalized for the use of the coal in our States.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. The gentleman assumes that there will be no tax?

Mr. TAYLOR of Colorado. Practically none—no land tax.

Mr. LENROOT. With which to furnish roads and schools for the tenants?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. LENROOT. And there will be no tenants unless there is open-mine production.

Mr. TAYLOR of Colorado. Certainly not.

Mr. LENROOT. And the gentleman's State can tax the product of that mine on this Government land just such sum as it chooses.

Mr. TAYLOR of Colorado. And make our consumers pay that much extra for coal.

Mr. LENROOT. Will they not pay in any case, so far as taxes are concerned? Who pays the taxes?

Mr. TAYLOR of Colorado. If the land is owned by a private citizen or corporation it becomes a part of our State.

Mr. LENROOT. Who pays the taxes—the consumer of the coal?

Mr. TAYLOR of Colorado. Oh, of course, the consumer, who buys the coal, has to pay for it, but the more direct taxes and Government royalties there are the more Government agents we have to pay, and the more supervision and expenses and overhead charges there are, and the higher price the consumer will have to pay for the coal. I expect the State will be compelled to place an excise tax upon the output of these Government-leased coal mines if it has the constitutional power to do so; but my impression is that the people do not like that kind of a tax very much.

Mr. LENROOT. The gentleman's position is, if the taxes are paid to the State the consumer does not pay anything, but if it is paid to the Government the consumer does.

Mr. TAYLOR of Colorado. I am opposed to exempting land from taxation, and putting the burden on industry and personal property; that looks to me too much like taxing the poor and the thrifty, and exempting the idle rich. Now, Mr. Chairman, I am not going to take up further time. I have talked about these conservation matters for six years on the floor of this House off and on, and every Member here and everybody in my State knows how I feel upon these measures. I have, to the best of my ability, reflected the sentiment of an overwhelming majority of the people who sent me to Congress. I do not believe that anybody in Colorado can honestly gainsay that proposition; and as long as my constituents feel that way, as long as they object to this federalistic, monopolistic, centralization of power here in Washington, as long as they protest against this commission form of government, this multiplying of bureaucratic control of our western development, this treating our States not as equal to the others, I shall continue to represent their sentiment, whether or not it has any effect upon the House.

Mr. BOWDLE. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BOWDLE. The city of Denver is within sight of coal, is it not?

Mr. TAYLOR of Colorado. Nearly so, I think. There are coal mines not very far from Denver.

Mr. BOWDLE. About 29 miles from the town of Marshall.

Mr. TAYLOR of Colorado. That is right, I think.

Mr. BOWDLE. Does the gentleman mean to say that the high price of coal in the city of Denver is due to conservation?

Mr. TAYLOR of Colorado. The price of coal in Denver is about \$4 a ton. But it is higher than that every place else in the State, I think. The principal reason Denver gets a lower rate is because the Denver Post, the largest newspaper in the State, owns or controls some mines, and makes an advertisement of supplying the people with coal at a fair profit and compels the other dealers to deal fairly with the people, while the rest of the State has to pay from about \$6 to \$9 a ton.

My contention has been all along that the Government's withdrawal from entry of all the coal lands in my State, some 9,000,000 acres, and preventing the entry of practically any coal land during the past six or eight years, has naturally and almost necessarily permitted and invited the coal companies to raise their prices of coal. They have enjoyed the greatest monopoly that any corporation could ask for. That is the reason for the higher prices.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield in reference to another branch of this bill?

Mr. TAYLOR of Colorado. Certainly.

Mr. STEPHENS of Texas. My question is this—this relates to the waters flowing down the rivers; those waters relate very closely to placer mining; and in the West that has been a very great question for many, many years, especially in Colorado, Oregon, and California. Now, does this in any way prevent placer mining, and does it provide what shall be done with the debris that comes from the machines that are now being used so successfully and extensively in placer mines in this country? Is there any provision relating to placer mining and the use of the water for placer mining?

Mr. TAYLOR of Colorado. No; there is no reference to placer mining in this bill.

Mr. STEPHENS of Texas. Does not the gentleman think there should be?

Mr. TAYLOR of Colorado. Yes; I think there should be. They are both subjects of great importance. But it seems to me that comes in more particularly in the other bill—the water-

power bill. In conclusion, I will say this, with all due respect to everybody, that I have an abiding belief and hope that when those leasing bills emerge, some time next February, from the other end of this Capitol, that they will be in very much different form from what they are now.

If a general coal, oil, gas, and so forth, leasing bill is to be adopted by this Congress along the lines indicated in this bill, there are some provisions in the bill that I earnestly hope will be retained. I have for several years, as many of you know, been vigorously trying to secure the passage of a bill allowing cities and towns to locate a piece of unoccupied Government coal land and acquire title to it without charge, so that they may open up and operate a municipal coal mine; not so much because I expect every city and town in the West to take advantage of such a law, if I could bring about its enactment, but because I believe the possibility of their being able to do so would have a very salutary and strong influence toward the prevention of monopoly and extortion in coal prices; and I know of no way anyone can better serve his constituents than by affording them cheap fuel; and while I have never been able to pass that bill, I have succeeded in inducing the department and the Public Lands Committee to incorporate a provision in this bill authorizing municipalities to lease and operate without royalty 160 acres of coal land. I believe that is a very beneficial provision, and I am very much gratified to have it in there, and I hope it will be retained.

While I thoroughly disapprove of the leasing policy, nevertheless, in view of the overwhelming sentiment against it, I have earnestly worked with the committee to make this bill as good—or I feel more like saying as harmless—as possible to the West, and to insert a number of provisions, which I did, that I believe will be beneficial; among others, the provision allowing the proceeds from these royalties to go toward the construction and completion of reclamation projects in the West, and thereafter—which will probably be 20 or 30 years hence—convert one-half of that money into the State treasury of the State in which it was collected. Those provisions are fair to the West, and I earnestly hope they will be retained in the bill.

According to the majority report, as well as the reports of the Geological Survey, there is enough known and accessible coal in this country to last us 7,000 years; and from the day that Columbus first set foot on Watkins Island down to this hour we have actually used less than 1 per cent of our available coal supply. So there is no likelihood of any famine in coal.

If there is a general demand for better laws to encourage development and prevent speculation, let us enact them. We of the West want development more than anyone else does, and we will heartily join in the enactment of any reasonable measures that will prevent speculation and monopoly, and safeguard the public interests and prevent extortion and waste. But we deny that it is necessary to adopt a permanent leasing policy, thereby putting ourselves into a perpetual Federal tenantry class, to bring about these most desirable results.

While it may be true, as stated in the majority report, that "the mining of coal may well be termed a rich man's business," that condition, in my judgment, has largely been brought about at the present time by the valuation of coal upon the public domain being deliberately placed at such a high price that no one but a rich corporation can afford to buy it. And while it is true that this bill retains a provision for the sale of coal land, yet that provision of the present law amounts to comparatively nothing so long as the price fixed by the classification on the 20,000,000 acres restored is approximately ten times as high as it should be and is clear beyond the reach of ordinary individuals or municipalities. I will not say that that defense of this bill is hypocritical, but I will say that it is an utter delusion. Moreover, there are 56,300,000 acres now withdrawn and not classified that never will be either restored to public entry or classified.

It is true that in my own State at this present moment the Federal troops are keeping the peace in the coal fields, and it is also true that we are now suffering from absentee landlordism to a certain extent. That is, Mr. Rockefeller owns 40 per cent of the stock of the Colorado Fuel & Iron Co., which company mines probably 20 per cent of the coal produced in my State. But there are some 200 coal companies operating in Colorado, and there is nothing in this bill that would prevent the very condition that now exists in Colorado. There is nothing in this proposed law that would prevent the operators of mines, if they were tenants of the Federal Government, from acting exactly as the mine operators of Colorado have been doing in the recent disturbance in my State, and I can not see where this measure will settle disputes between capital and labor or bring about any of the many conditions which everybody desires. On the contrary, it looks to me as though it would, by allowing



each one to take 2,500 acres and furnish Federal protection, permit a more gigantic coal monopoly and more arrogant coal operators than the West has ever known. If the Government has decided to own and operate our coal mines, we ought to be frank and say so, because that is what this means. This law may, as the majority report says, "do with Government property what has been done by the foremost countries of the world," and may be entirely suitable to a monarchy; but I confess I can not make myself believe that it is beneficial in our form of Government.

No one can honestly deny the statement that any general scheme for the leasing of any of the public domain practically withdraws those lands from settlement or entry by those who wish to acquire them and make them productive by individual enterprise. And any system which prevents lands or resources from going into private ownership prevents their becoming subject to State and local taxation and relieves them from their just proportion of the maintenance of the State government.

I believe all history will bear me out in the statement that it is not in the interest of the people or the welfare of the Western States to have large bodies of land and valuable resources withheld from taxation and managed and controlled at long range from the city of Washington; and every step taken by Congress in the direction of withholding from actual settlement and ownership by local citizens tends to the centralization of power and the strengthening of the bureaucratic grasp of the Federal Government upon the resources of our States.

The majority report says "the leasing system is not new; it is old." That is true; the leasing system is old, and tried, and has been found wanting, and was emphatically and indignantly thrown off by our own Government as an infamous incubus. It cost the Government more than four times as much as the entire gross receipts from royalties.

In my minority report upon this bill I set forth a statement of the history and operation of the Federal leasing policy as shown by the records of Congress, and I will incorporate at this place in my remarks that portion of my minority report, as follows:

**THE NATIONAL LEAD AND COPPER MINE MONOPOLY, 1807-1847—FORTY YEARS OF FAILURE.**

The consideration upon which the United States originally received from the Revolutionary States their portions of the western lands is clearly set forth in the resolution adopted by the Congress of the Confederation on October 10, 1780, as follows:

*"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress on the 6th day of September last, shall be disposed of for the common benefit of the United States, and to be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States."*

The thirteen original States, or so many of them as held western lands, thereupon conveyed them to the Confederation for the uses suggested in that resolution, and thereafter when the United States under the Constitution assumed to dispose of the public lands they were bound as a trustee to appropriate them to that great national use.

Under the English system, with which the national legislators of the Revolutionary days were entirely familiar, the King's tenth branch of royal revenue, according to Blackstone, was the right of mines. The King's royal prerogative made him the owner of all mines of the precious minerals—gold and silver—whether found on royal or private lands. A grant of lands by the Crown did not pass gold or silver mines unless expressly granted, and this applied to grants of land in the Colonies. Hence it was that when the thirteen Colonies became independent States, they succeeded to the royal right of mines and still retain it.

The United States never acquired any rights in mines in New York or in any of the thirteen original States. When the United States therefore began to dispose of the public lands the old English idea was dominant, and Congress provided for retaining the royal right in mines in the western lands, which had been conveyed to the United States by the thirteen original States, which had received them from the Crown.

The Congress of the Confederation, on May 20, 1785, provided for surveying and selling the western lands, and the ordinance of Congress passed for that purpose provided that each deed conveying these lands should contain a clause "excepting therefrom and reserving one-third part of all gold, silver, lead, and copper mines within the same." This system generally continued in force until 1806, when Congress passed the first of our great mining statutes in aid of the development of the precious metal-bearing States of the West.

The leasing of the mines on the western lands, however, was first inaugurated on March 3, 1807, when Congress passed an act providing—

*"That the several lead mines in the Indiana Territory . . . shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine which had been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null, and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory for a period not exceeding five years."*

The lead mines in Missouri and Illinois and the Superior copper mines were included in the reserve lands and leased. The lead-mining leases were issued under the supervision of the War Department, and the United States reserved a royalty or rental of one-sixth of the lead for Government use.

In the report of the Secretary of War, transmitted to Congress by John Quincy Adams in 1825, it is shown that the leasing of United States mineral lands had gone but slowly and without satisfaction to the people of Missouri or to the Nation. Much discontent, fraud, and

litigation were complained of, while the output was small and the entire business unsatisfactory.

In an address delivered before the American Institute of Mining Engineers, Abram S. Hewitt, quoting from Prof. Whitney, told of the failure, as follows:

*"For a few years the rents were paid with tolerable regularity, but after 1834, in consequence of the immense number of illegal entries of mineral land at the Wisconsin land office, the smelters and miners refused to make any further payments, and the Government was entirely unable to collect them. After much trouble and expense it was, in 1847, finally concluded that the only way was to sell the mineral land and do away with all reserves of lead or any other metal, since they had only been a source of embarrassment to the department."*

The States of Missouri and Illinois began to protest against these leases immediately after the system was established in active operation in 1822. As early as 1827 the contest had become flagrant in Congress, and on July 2, 1827, the Senate Committee on Public Lands, to which was referred a bill "To authorize the President of the United States to cause the reserved lead mines in Missouri to be exposed to public sale," said in its report:

*"For the United States to reserve and lease all the mineral lands in Missouri would be to hold one-fourth of her area in a state of tenantry. It would require the creation of a new corps of Federal officers or agents to superintend the mining and ultimately be of less advantage to the Union than if the mines were committed to the care and ardor of individual enterprise. Such a measure is believed by the committee to be neither the policy nor the intention of the Government of the United States."*

A year later the House Committee on Public Lands reported that—  
*"Believing that the laws prohibiting the sale of the public lands in Missouri which contain lead mines ought to be repealed, the committee report a bill for that purpose."*

The bill evidently did not pass Congress, for on January 25, 1829, Congress received a solemn memorial from the General Assembly of the State of Missouri protesting against the system and praying for the sale of all mineral lands within her borders, as follows:

**A MEMORIAL.**

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral upon which no mineral has ever yet been found; and we believe that the retention of those lands by the General Government will be against the interest of the Union, and a material injury to the best interest of our State in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

*Resolved, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.*

JOHN THORNTON,

*Speaker of the House of Representatives.*

DANIEL DUNKLIN,

*President of the Senate.*

JOHN MILLER.

Approved, December 11, 1828.

In answer to these demands, and on March 3, 1829, Congress passed an act conferring authority upon the President to expose for sale "the reserved lead mines and contiguous lands in the State of Missouri" upon six months' public notice.

The State of Illinois continued to resist the leasing of lead mines within her borders, and in 1830, in his message to the general assembly of that State, the governor declared the law to be unconstitutional, and recommended the people to resist it and refuse to pay the rentals. In the report of the Secretary of War, dated January 10, 1838, in answer to a resolution of the Senate calling upon him for information about the leased mines in Illinois, the Secretary quotes the report of the Army officer in charge, who said of the Illinois leased mines:

*"The general and popular belief throughout the mineral region is that the law will not sustain the Government in the practice of leasing and exacting rent, contending that the act of March 3, 1807, authorizing the President to lease the mines, does not contain the necessary provisions for carrying it into effect; and, further, that any law authorizing the leasing of the public domain within the limits of a State is unconstitutional. In his public message to the Legislature of Illinois, in 1830, the governor distinctly assumes this ground and recommends to the people resistance to leasing and paying rent. However untenable this doctrine may be, emanating from so high a source, and coinciding as it does with the interests of all those engaged in digging, smelting, or in the commerce of the mines (and these may be said to constitute almost the entire population of the mineral district, for in those regions agricultural pursuits are almost entirely disregarded), it could not fail in producing the designed effect. Since 1834 diggers have refused license and smelters to pay rent or in any manner to recognize Government authority over the lands in their mineral aspect. The mineral value of the lands may be said to have already passed out of the hands of the Government. Diggers seek the metal when and where they choose, from whom, and with the like impunity, smelters receive, work and dispose of the product."*

The military examiner was asked in his instructions to state his opinion upon the advisability of continuing the system of leasing, and he did so as follows:

*"It is assumed that the comparatively trifling saving, if any, to the Government on the quantity of lead now or at any future period needed for the public use, by working the mines instead of purchasing in market, bears no just proportion to the injury done to the mineral region of country, first, by retarding the settlement of the country, and, secondly, by the demoralizing influence of the system."*



"Regarding the product of these mines as furnishing an element of national defense or public convenience, could it be supposed that it would ever be of difficult or doubtful procurement at moderate prices, there would be some plausibility in adhering to the existing policy; but such can never be the case."

The War Department approved the conclusion of the report and said: "In conclusion, it is proper to add that this department concurs with the views exhibited in the foregoing report, and approves the recommendation therein contained respecting the indiscriminate sale of the mineral reservations."

Congress called for further reports on a plan for the disposal of the mineral lands, and the people, and even the President of the United States, continued to protest at the delay. In his first annual message on December 2, 1845, President Polk strongly urged the abandonment of the leasing system, saying:

"The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of public lands supposed to contain lead and other minerals have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844 was \$6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were \$28,111.11, the income being less than one-fourth the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the preemption principle be extended to resident miners and settlers upon them at the minimum price which may be established by Congress."

The President's recommendation was not acted upon immediately by Congress, and on January 12, 1846, Secretary of War Marcy made a report to the Senate showing the condition of the finances in respect to the leasing system. Among the documents attached to his report is a report from the ordnance officer having charge of the system, in which the agent concludes:

"But as a system of leasing here (southern Illinois) as practiced at the upper Mississippi mines would involve the necessity of a separate agency, and bring with it a train of expenses that would probably swallow up, as they have done there for the last two years, all the rent, if it did not even bring the department in debt; and as it, moreover, appears that before these mines can be successfully worked it will be necessary to incur the expense of analyzing the ores, it is respectfully submitted whether it would not be better to have the reservation revoked, in order that these lands be no longer withheld from market."

On January 27, 1846, Senator Breese, of Illinois, afterwards chief justice of the supreme court of that State, prepared an exhaustive and learned report to accompany S. 31, "A bill to direct the President of the United States to sell the reserved mineral lands in the State of Illinois and Territories of Wisconsin and Iowa, supposed to contain lead ore." This report is No. 87, Senate Documents, first session Twenty-ninth Congress, volume 4, 1845-46. The report says in part:

"The policy of reserving from sale land supposed or known to contain lead ore had no existence anterior to 1807."

"Your committee suppose it was intended by Congress in thus reserving mineral lands from sale, not to make it the permanent policy of the country, but that time might be afforded to act understandingly in regard to them, and with a full knowledge of their value as a national possession, so that no great national interest should be sacrificed by a hasty and ill-considered sale of them. A correct idea of their extent and value was desirable, in order that the action of the Government might be so regulated as to prevent a monopoly of their ores by individuals or associated capital, by which the supply and price of an article made from them, and of great necessity, might be placed wholly within such control, to the injury not only of the Government needing heavy supplies of lead, but of the public at large. It was this fear of a monopoly and the importance of a supply of lead to the Government, the committee believe, that operated to reserve the lead mines in Louisiana. When Missouri became a State she complained to Congress of the effects of this policy upon her prosperity, an area of 2,500 square miles in the heart of that State being mineral lands, and reserved, or the greater part of it, from sale and settlement. Great exertions were made by the agent of the Government there to lease them and to render them productive, but without success."

"But a trifling amount of revenue, no accurate account of which can be had, was received—not more, however, than sufficient to defray the expenses. Many of the most productive mines had become, by grants from the Crown of France, private property, and it was found impossible for the Government to carry out profitably a system which it could not make exclusive. It was seen, too, that the extent of country abounding in these treasures was so immense that no possible danger of a monopoly was to be apprehended or a deficiency in the supply to the Government at reasonable prices of an important material of war to be expected. Congress therefore was induced, after the experience of many years, on the 3d of March, 1829, to direct the sale of the reserves in a mode similar to that contemplated by the bill now under consideration."

"The good effects resulting to Missouri from this law can not be doubted. The greater part of this vast mass of reserved land has become private property, subject to the taxing power of the State, and whilst their riches are now, under individual ownership, more fully developed, the manufacture of lead has greatly increased, and that article is now afforded in the market at a price far below that which it bore when the system of 'Government leases' was in full operation; and, for the reason stated, the demand and supply can never be exclusively controlled by any capitalist or company. The State has also been benefited by a great addition to the number of freeholders, whose

whole energies are devoted to the permanent improvement of their own property, they alone enjoying the fruits of their labor bestowed upon it, subject to no deductions in the form of rent or other charges to the Federal Government. No one feels or thinks that the Nation has suffered a loss in thus selling the mineral lands of Missouri, from which such high expectations of revenue were once entertained, but all agree that mutual benefits have been the result."

"It becomes now a subject of inquiry, What is the true policy of the Government in relation to those mineral reserves in Illinois, Wisconsin, and Iowa; and what has been the effect of leasing them, as practiced for now more than 35 years? Is their value and importance as a national possession or interest now sufficiently known? Has the Nation gained anything by the system? Is it in accordance and in compliance with the duties and obligations the Government owes to that State and those Territories to persevere in the system? Are they injured or benefited by its operation? Is the right clear and unquestionable to reserve and lease public lands?"

"Your committee believe that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens. Much might be said against it, but it will occur at once to everyone as a dangerous relation and which may become so strong and so extensive as to give to that Government the power of controlling their elections and shaping all measures of municipal concern. An unjust and invidious distinction is made by it also between the farmer and the miner, the labor of the latter being taxed to the amount in value of the rent he pays, whilst both are occupying for beneficial purposes parts of the same section of land. There does not seem to be any necessity for the exercise of any such power, even if it be admitted the Government possess it, which is much questioned. Your committee refrain from going into a labored examination of this point. Whatever may be the power and the right of Congress under the second clause of the third section of the fourth article of the Constitution of the United States, whilst the country is but a Territory of the United States, to dispose of and make all needful rules and regulations respecting it, the question, when raised by a sovereign State, by an equal member of the confederacy, becomes one for grave consideration and entitled to the most serious regard."

"Your committee will not enter upon the argument of it, and will dismiss it with the single remark that when the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States. This pledge, your committee believe, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge."

"Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?"

"But aside from considerations of this nature, however well calculated they may be to bring this whole system of reservations and leases into disfavor, at least with those who regard the pledged faith of the Nation as important to be preserved, your committee have diligently and carefully examined the subject as affecting the pecuniary interests of the United States supposed to be involved in it."

"\* \* \* From the best information, however, which your committee can obtain they are satisfied that under the leases executed within the last 15 years the expenses of every description have nearly equaled the receipts, leaving entirely out of view the positive and irreparable injury done to the lands."

"Your committee believe it will not be considered irrelevant here to advert to the pecuniary loss the State of Illinois incurs by the system. By the compact referred to she is entitled to 5 per cent of the net proceeds of the sales of these lands, amounting in the two localities described by your committee to 389,120 acres. If sold, as they would be, with the timber and ore within and upon them, even at the minimum price of \$1.25 per acre, 5 per cent of the net proceeds, amounting to near \$24,000, would accrue to the State for roads and schools; and in the shape of taxes levied upon them as private property for the past 20 years, at the average rate of taxation by the State for that time, these lands thus reserved would have produced an additional sum of \$136,636.90 to swell its general revenues. If these lands are deprived by the United States of all that makes them salable, then a total loss of those two items may be suffered by the State, for if they can not be sold by reason of their worthlessness, occasioned by the destruction of timber for fuel for smelting furnaces and by the exhaustion of the ore, no proceeds can at any time hereafter be derived from them, and thus a total loss is apparent and inevitable. And such, too, will be the condition of Wisconsin and Iowa when they become States, the only difference being in the greater extent of the loss."

"The Senate will perceive from the statements here submitted that the workings of this system for now near a quarter of a century have been of no great benefit to the United States, and no reasonable hope exists that it ever can be made useful or productive."

"Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either or consent that this Government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee thinks, that operations of this nature, including mining and the manufacture of lead, can with much greater propriety and with far more beneficial results be left to the free and unfettered energies of individuals, and of supplies of these kinds the Federal Government should be not the producer through numerous agents of doubtful creation and a dependent tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no



permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth explored with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

Your committee, believing that the policy of reserving mineral lands was not intended to be permanent and that all the interests of the United States as connected with them are now fully understood and appreciated, believe also that the time has arrived for terminating it, which can be now done with more benefit to the Government than at some more distant period.

"In view, then, of the great dissatisfaction manifested by that portion of our population most directly and injuriously affected by the system, so repeatedly expressed by them through their local legislatures and Representatives in Congress, so much irritated feeling produced among them by the manner in which it is carried out, so much injury resulting to them by reserving lands from sale, so that their proceeds can not be obtained for roads and schools, nor the taxing power for State purposes be made to operate on them, raising, as it does, an unjust and invidious distinction between its agricultural and mining population by taxing the labor and enterprise of the latter, making them the mere tenants of the Federal Government by depriving them of the privilege all others enjoy of becoming freeholders, and involving them in much harassing and expensive litigation, growing out of their peculiar relations to the Government, thereby producing irritated and hostile feelings toward it, and thus weakening that confidence and respect all should have in it, and bringing our citizens to regard the Government less as a protection than as an encroachment upon their rights and privileges and a bar to their prosperity, and withal a general retardation of the settlement of that portion of the Union, the whole accompanied by a real loss to the National Treasury of no small magnitude, your committee have agreed to recommend the passage of the bill.

"They do not concur with the Executive in the recommendation that 'an equitable percentage of the gross amount of the mineral product' be reserved to the Government as it is one of the leading objects of the sale of the lands to break up every branch of this system, of which the 'percentage' forms a prominent part, and to sever entirely the connection of the Government with the miner and manufacturer of lead. Nor do your committee think, from all the information they can obtain, that the settlers or miners desire or expect the preemption principle to be applied to them. The language of the petitions from the settlers, now before your committee, is very general, and only asks for the sale of the lands as other lands are sold.

"Your committee therefore report the bill to the Senate with an amendment to embrace the lands reserved in the State of Arkansas, and as thus amended recommend that it do pass."

The Committee on the Public Lands in the House of Representatives also prepared vigorous reports in favor of selling these mineral lands and in opposition to the leasing system. They are Nos. 269 and 591, dated, respectively, February 17 and May 4, 1846, in reports of committees, first session Twenty-ninth Congress, volumes 2 and 3, 1845-46. In the first of these the system is denounced as an "evil," and it is declared:

"The consequences resulting were serious losses to the United States, not only in payment of extravagant bills of costs with which she was taxed, but the result has finally shown that large portions of her mineral lands, to which there was no dispute and in which the most extensive and rich deposits of lead mineral were discovered, are rendered valueless by the superficial mining operations conducted on them and the denuding of the surrounding lands of timber necessary to smelting the ore; and at this day there are remaining (although subject to entry since 1836) unsold tracts which were among the most desirable and productive leases granted by the Government, for the reason that the superficial diggings have so far destroyed them for regular and systematic mining operations that no one is found willing to purchase them at the minimum price of the public lands; and it is doubtful whether, if the entire cost to the Government of its agencies, contingent expenses, and costs in numerous suits brought against lessees and individuals claiming under titles adverse to the Government were fully made up and shown, it would not be found to exceed the value of the rents received from the mineral lands in Missouri.

"A more serious question presents itself to the consideration of the committee regarding the right as well as policy of maintaining a system in one of the States of this Union by which so large a portion of its citizens are held as a tenantry to the General Government. For a series of years the State of Illinois has been prohibited from exercising the peculiar privilege of her sovereignty, the right of levying a tax on the soil for the support of her government.

"It is the generally received opinion of those best informed and familiar with the subject and believed by the committee that if the mineral lands of the United States are brought into market and made subject to entry as other lands, an amount of capital will be invested and a development be made of the vast mineral resources of the country that will make it independent of all foreign supplies, whether of lead, copper, zinc, or cobalt, and that this result has been kept back for many years by the policy of the Government withholding from sale her mineral lands and granting leases of a duration which could not justify the expenditure of capital necessary to be employed in labor and in the construction and application of machinery indispensable to the permanent and practical operation of mining.

The committee reported the bill favorably with amendments. The House Committee on the Public Lands was just then also engaged in examining the leasing system in its application to the copper mines of Lake Superior. In its report to the House, dated May 4, 1846, to accompany H. R. 409, it denounced the system in respect to the copper

leases and said:

"In the settlement of the public lands a system should be pursued that will most readily give to the new and enterprising associations who remove to and establish themselves in the far West permanent, well-organized, and orderly society, where patriotism, thrift, and happy moral and social relations will give more strength and intrinsic wealth to the Government and country than any amount of dollars and cents which might be brought to her Treasury from the sale of her vast domain. It has been well said that 'Tenantry is unfavorable to freedom; it lays the foundation of separate orders in society, annihilates the love of country, and weakens the spirit of independence. The

tenant has, in fact, no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants."

"In the disposition of the mineral lands it seems to the committee the only consideration for the Government should be to obtain a fair and just equivalent for those valuable mineral deposits, and leave to private enterprise the development of those vast and rich productions of nature and make them subservient to the wants and necessities of this country, and perhaps produce a surplus for the use of other portions of the world."

In answer to the general demand of the country the Congress, on July 11, 1846, passed an act ordering "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and the Territories of Wisconsin and Iowa to be exposed to sale, as other public lands," upon six months' notice, and on March 1, 1847, the copper mines of Lake Superior were also ordered to be sold on the same notice.

Thus for 40 years—from 1807 to 1847—a national mineral-land leasing system retarded the development of the Mississippi Northwest; provoked disorder, litigation, and contempt for the national authority; resulted in financial loss to the Nation and to those engaged in settling that region; prevented settlement, hindered development, retarded enterprise, and established and maintained a foreign system of national landlord and tenant under the control of officers of the United States Army. Finally it failed, as all such attempts must fail, because under a government of the people, by the people, for the people, no bureaucratic system of landlordism over the public lands can long keep a vigorous, intelligent, and independent mining population upon the Government domain as mere tenants. They "own it," and will not meekly work as tenants on their own property, for they will own it in law and in fact as well as in theory.

#### THE FREE WESTERN MINERAL-LAND SYSTEM, 1849-1911.

The discovery of gold on the public lands of California in 1849 and the recent repeal of the mineral-land leasing laws in 1847 drew the attention of the public men of that day to the importance and necessity of establishing a permanent and satisfactory plan for the development of the mineral resources of the country. In his report, dated December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, called the attention of Congress to the recent discovery of gold in California and said of the proposed legislation for disposing of the mines of that region:

"The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory and to have passed by her transfer to the United States. It is a right in the sovereign of the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether in those cases where land duly granted contain gold this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object, and if retained legislation will be necessary to provide a mode by which it shall be exercised. It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seigniorage."

President Fillmore, however, had evolved clearer ideas and had utterly abandoned the leasing and royalty theory. In his annual message to Congress of December 2, 1849, he recommended:

"I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies."

It thus came about, through a process of legislative evolution and the borrowing of ideas from the Spanish system coming to us with the Mexican territories, that the "common law of the mines" was created by the miners of California. The substance thereof was written into the California practice act in 1851 by Stephen J. Field, who later, as a justice of the Supreme Court of the United States, expounded and gave life to the great mining statutes based thereon. It was not until July 26, 1866, however, that Congress gave national recognition to the system which had prevailed in California since 1849.

The first section of the act of 1866, as amended by the act of May 10, 1872, and made section 2319, United States Revised Statutes, 1878, is in the following language:

"Sec. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."

In his valuable treatise on The American Law Relating to Mines and Mineral Lands within the Public Land States and Territories, Judge Lindley says (sec. 55, vol. 1) of section 2319:

"By the first of these provisions the Government, for the first time in its history, inaugurated a fixed and definite legislative policy with reference to its mineral lands. It forever abandoned the idea of exacting royalties on the products of the mines, and gave free license to all its citizens, and those who had declared their intention to become such, to search for the precious and economic minerals in the public domain, and, when found, gave the assurance of at least some measure of security in possession and right of enjoyment. What had theretofore been technically a trespass became thenceforward a licensed privilege, untrammelled by governmental surveillance or the exaction of burdensome conditions. Such conditions as were imposed were no more onerous than those which the miners had imposed upon themselves by their local systems. That such a declaration of governmental policy stimulated and encouraged the development of the mining industry in the West is a matter of public history."



Upon the power of the Government to conduct the business of mining upon the public lands, the author says:

"Mines in the United States are not ranked as the property of society, the working of which is to be confided to the Federal Government. Mining with us is not a 'public utility.' It is simply a private industry, to be fostered and encouraged as all other economic industries are fostered and encouraged; but the exploitation and development of mines are no more governmental functions than is the cultivation of the soil or the business of manufacturing. The United States is the paramount proprietor of the public mineral lands, holding them not as an attribute of sovereignty, but as property acquired by cession and purchase."

The Supreme Court of the United States has traced the evolution and establishment of the western system and the disappearance of the old kingly claim of royalty in a most interesting way in the case of *Mining Co. v. Consolidated Mining Co.* (102 U. S. 167, 172), as follows:

"Very soon after the conquest of California and its cession to the United States by Mexico it was found to be rich in the precious metals, and such was the rapid influx of immigrants from the Eastern States that the California population at the time it was organized as a State in 1850 was largely composed of mining camps and settlements engaged in mining these metals. As nearly all those mines were discovered on land the title of which was vested by the treaty in the Government of the United States, it became important to determine what course the Government would take with regard to this new source of untold wealth. The Spanish Government, to which this territory and much other rich in precious metals had once belonged, had instituted a system of laws concerning her mines by which private enterprise was invited to develop them and a revenue secured at the same time to the Crown, which made Spain for a time the richest of the civilized Governments of the world. This system Mexico had inherited and perpetuated, and there were many American statesmen who believed that with the territory we had acquired the laws which governed the production of gold from the earth. Others believed that whether this were so or not, it would be a wise policy for the Government to secure to itself a fair proportion of the metal produced from its own ground. But, while Congress delayed and hesitated to act, the swarm of enterprising and industrious citizens filled the country, and before a State could be organized had become its dominating element, with wealth and numbers and claims which demanded consideration."

"Matters remained in this condition with slight exception until July 28, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)"

Notwithstanding the conclusion of the court that "the idea of a royalty on the product of the mines was forever relinquished" by the United States, it is now proposed in these Alaska coal-land leasing bills to reestablish it on a broader and more dangerous scale. The fact that under that false system the public domain was for 40 years, from 1807 to 1847, a menace to the prosperity and development of the West is forgotten. Congress ought to remember, however, even if it forgets the earlier national failure, that under the California system of disposing of the mineral lands in small tracts to bona fide working miners great wealth and success came to the miners and to the Nation. With the aid and encouragement given to the miners by the California system, under which each miner is an owner, urged by individual enterprise and hope, with opportunity to secure wealth for himself and his family, these workmen of the West have extracted immense riches from the earth, built homes, established schools, colleges, churches, and a high civilization in the waste places; erected a thousand cities, and in 60 years created a score of sovereign States in the American Union. No such success has ever attended the labors of man before; no nation ever gained so much with so much honor and happiness in so short a time; and the system which enabled it to be accomplished is too sacred to destroy overnight for a mere political advantage.

#### THE FREE WESTERN LAND SYSTEM IN ALASKA.

The United States coal-land laws were an outgrowth of the western system and in line with the plan to sell small tracts of mineral lands to applicants who might use the same in the development of the country. The first of these statutes was passed on July 1, 1864. Prior thereto coal on the public domain had been disposed of under other general laws for the sale of public lands, even agricultural lands, without considering the presence of the coal.

The coal lands in Pennsylvania, Virginia, and the other States constituting the original 13 States never belonged to the United States, but were disposed of by the Crown prior to the Revolution or by the States thereafter. While much complaint has been heard in the United States about coal monopoly and combinations and excessive prices to the consumer, they have generally arisen from or in connection with coal combinations by or with the transportation companies in Pennsylvania and West Virginia. There has been but little complaint and but little justification for criticism against the western system of selling one small tract to each applicant, with a strict prohibition against acquiring another. There would be still less if the laws were faithfully executed.

The States of Illinois and Missouri fought valiantly for 25 years to dislodge from their shoulders this leasing burden, and now some of their Representatives, ignoring that long and severe lesson, are trying to inflict that false and repudiated policy upon us, your brothers, who have gone out into that wilderness and are striving against desperate odds to build great States. Colorado is filled with Illinoisans and Missourians. I am a native son of Illinois myself, and I feel like saying to each of my colleagues from those States, "Et tu, Brute!"

I have received a great many protests, petitions, and resolutions against these leasing bills from the business organizations, county commissioners, and citizens generally of our State. I will not give them because my statements herein voice the substance of their objections. But I will insert merely as a sample one from the Commercial Club of Rio Blanco County, as a fair illustration of the way this theoretical conservation affects and will affect the development of the 30 counties in which those resources are located.

#### RESOLUTIONS.

At a regular meeting of the Rio Blanco County Commercial Club held at Meeker, Rio Blanco County, Colo., on the 6th day of April, 1914, the following resolutions were adopted, to wit:

Whereas there are now pending in Congress certain bills for the leasing of the public lands; and

Whereas it appears from the CONGRESSIONAL RECORD that many able and fair-minded Representatives and Senators have very limited knowledge of western conditions:

Resolved, That a plain statement of facts and conditions in this county that have a bearing on the leasing question be made, and that we make earnest protest against the leasing of any class of lands whatever and in any form, the statement of facts and conditions in this county being as follows:

This county has an area of 2,067,000 acres, of which 312,000 acres are withdrawn in the White River National Forest, about 85,000 acres are withdrawn as oil lands, 200,000 acres of coal lands have been practically withdrawn by the action of the Interior Department in placing thereon values several times as great as patented coal lands adjoining can be bought for; about 40,000 acres of cernotite lands are now sought to be withdrawn by Congress, and subdivisions of lands that lie here and there along White River for a length of more than 100 miles intersecting or jutting into the patented lands have been withdrawn for power sites, these sites being useless for power sites or purposes other than to hold narrow parcels of land over which the ditch or pipe line would have to be carried, presumably so that the Government could control the building of such power plants.

The cost of maintaining our county government is great because by the shortest public roads it is 80 miles to the farthest western settlement in this county from Meeker, the county seat, and more than 100 miles from Meeker to the most easterly settlement.

To support this county we have the following patented lands: Irrigated lands, 21,359 acres; grazing lands, 91,792 acres; natural hay lands, 2,018 acres; and coal lands, 4,149 acres. Our nearest railroad is 45 miles distant.

The people of this county, including many members of this commercial club, were the real initiators of the conservation movement, having in 1880 petitioned the President through the medium of Thomas A. Carter, Commissioner of the General Land Office, who indorsed our petition, to set aside the forests of this county for a park or forest reserve. This was the first national forest created under the act of 1891, if we except a small addition to the Wyoming National Park. Our petition described the bounds of the forest, but the Interior Department, on the advice of men who were practically strangers to this county, saw fit to extend the boundaries to include more than 100,000 acres of good farm lands, about one-half of that increase being in this county, including one tract of 20,000 acres on which there was nothing but sagebrush and which to-day produces more revenue for this county than the 312,000 acres of forest-reserve lands. It took six years of struggle to get this tract eliminated. One agent sent here by the Interior Department in 1893 or 1894 informed us that it should be retained within the forest lands as a winter feeding ground for deer. The same argument was advanced by Forester Pinchot at a later time, when he sent an inspector from Washington, D. C., to report on the advisability of adding to the forest the lands south of White River from the forest to the Utah line, a distance of 70 miles, all of the land being nontimber lands. When the agent reported that it was not forest land Mr. Pinchot asked for a second report by a local officer.

We would call the attention of our Congressmen and Senators to the fact that a system of espionage has for years been maintained by the Forest Service, acting under instructions from Washington, we are informed; this espionage is kept more especially over the actions of those who have filed on land which has been eliminated from the reserve and which land is no longer under the jurisdiction of the Forest Service. One duty of the rangers in winter has been to count the horses and cattle that are pastured and fed on homesteads, even on patented land. Most homesteaders are poor men, but a poor man has little chance to secure a homestead within the reserve. Applications are usually held up for about one year before an applicant can file. He is given a permit to use the land until such time as the department acts upon his application. Even if he settles at once under the permit he gets no credit for residence that year, the Land Office requiring three years' residence from date of filing on the land before the United States land office at Glenwood Springs, Colo. The best of the forest lands are being rapidly leased to the wealthy cattlemen, and the better class of homesteaders will not try to get land inside an inclosure, even if permitted by law to do so. Ordinarily farmers can not afford to fence pastures for their small herds, so in time all the reserve or all the best portion will be controlled by the big cattle outfits.

Leasing of coal, radium, and grazing lands are more to be avoided than leases on the forest reserves, yet we call attention to wrongs suffered through having these lands controlled from Washington, where the best informed know but little of the actual situation.

All leases help the rich man and keep the poor man down.

We well remember when a convention was called to outline a lease law. All the parties invited to attend this convention from the West were members of an association of cattle barons, who formed that association for the purpose of getting the Government to lease the public range. The shibboleth of each member of the convention was, "Let the poor man have first choice." It was Hobson's choice, though. They gave him a chance to take 160 acres adjoining his home, the land along the foothills being usually worthless for grazing; but the highlands that produce luxuriant grass were left for the big cattlemen. The withdrawal of oil gives a monopoly to the oil kings of to-day. Withdraw the coal, and you add millions to the pockets of many big corporations. Lumber, in this town, has been increased in price \$8 per 1,000 feet. This increase is not measured by the higher charge of the Government per 1,000 feet. For example, a millman here was instructed by the forest ranger in charge to pile all brush in a certain spot. After the brush was piled, then came a higher man from the outside and ordered all the brush to be removed to another place before burning. The people of Rio Blanco County pay for these extras.

Our greatest values lie in our coal deposits, which are immense. Without these assets we have a sorry future before us.

All forms of leasing keep out immigration to the West. The course of the Government in taking from the people their coal, their so-called grazing lands, their radium, and their oil, and in taking from the people of Colorado the water that falls on their lands, to be given to Mexicans, is making the United States a land of aristocrats and peasants.

The amount of income received by this county from 312,000 acres of forest land is not one-half so large as it receives from certain indi-



vidual taxpayers owning only a small acreage. Leasers never build up a country.

One serious trouble in getting justice is that conservationists are theorists and not practicable.

All the oil lands and the radium lands of this country were discovered by prospectors. United States geologists are poor prospectors. We spent thousands of dollars in proving the oil lands of this country, but as soon as proved to be an oil territory they asked the President to withdraw the lands. Our asphaltum lands were discovered and developed by home people and United States geologists are only familiar with the size of such veins of coal as have been opened and patented by home people. If the radium deposits are left open to prospectors this country will make that element a "drug on the market."

Our people still remember the fact that multimillionaire lumbermen were charter members of the conservation league, and that they made millions by the timberland withdrawals. Our citizens were in favor of such withdrawal but never expected this Government to help build up a monopoly. We thought prices of lumber would be kept to the lowest limit.

Outside the forest every half section of land (the so-called grazing lands) remaining open to settlement contains tillable tracts aggregating 40 to 60 acres, and if not withdrawn will soon all be taken by home seekers who, by cultivation of these tracts, will raise more feed and consequently more cattle on 320 acres than will ever be raised by leasers on 2,000 acres of the same lands. Moreover, owners of such lands will make permanent improvements.

We are especially opposed to lease moneys being handled by the Reclamation Service, believing them to be more wasteful than any other branch of the Government. We are well aware that department officials do not like criticism of their rulings and that in some cases precedent and pride prevents many of them from righting a wrong. Our former protests have always been mild and formal so as not to offend. The present danger to this community is too great to do less than lay bare the facts no matter whom it hurts. The people of Rio Blanco County are a unit against the withdrawal of coal, oil, and radium lands. We are nearly so as to grazing lands, the only exceptions being a few big cattlemen and a few others who already have pastures fenced.

Resolved, That a copy of these resolutions be sent to Hon. EDWARD T. TAYLOR and Hon. JOHN F. SHAFROTH, at Washington, D. C.

RIO BLANCO COUNTY COMMERCIAL CLUB,  
By W. S. MONTGOMERY, President.  
W. D. SIMMS, Secretary.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER] such time as he may desire within the time at my disposal.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I will withdraw the demand.

The CHAIRMAN. The point of order is withdrawn.

[Mr. RAKER addressed the committee. See Appendix.]

Mr. LENROOT. Mr. Chairman, I yield to the gentleman from Washington [Mr. JOHNSON].

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. THOMSON of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, day before yesterday, when the gentleman from Illinois [Mr. THOMSON] was talking, he made this statement, among others:

It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of Texas, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

Now, I want to call the attention of the committee for a moment to that statement. That is a statement we hear here a great many times. The only trouble with that statement is that it is not correct. I want the gentleman from Illinois to know, and the gentlemen of this committee, that the Oregon country, comprising Washington, Oregon, part of Montana and Idaho, never cost this Government one penny. They came to us by right of discovery. The first settlers in that country came to Washington and besought the General Government to aid them in holding it from the aggressions of the English. The settlers of that country saved the great Oregon region and gave it to the Government and it has never cost this Nation one penny, and I wish the gentleman from Illinois would remember this fact. The Oregon country is the only part of the United States over which there never floated any flag but the Stars and Stripes. [Applause.]

We have the distinction of being the only section of this great Nation that never recognized a foreign flag. Now, just one other thought while I am on my feet. Some gentlemen to-day seem to be greatly shocked by the statement that the policy of conservation was a failure. I can not speak of the other States, but so far as the State of Washington is concerned it is an absolute failure. It has benefited no one but a few silviculturists, I believe they call them; these young college graduates who wander around over the forests annoying people and drawing their

salaries. It has not benefited another human being. For every dollar's worth of timber that has been cut off the forests in my State it has cost this Nation two dollars. They have not succeeded in cutting one cent's worth of timber per acre a year off the forests in the great State of Washington, the greatest upon the face of the earth. In 16 years we have received from the Forest Service the magnificent sum of \$140,000 to take the place of taxes. If we had taxed that timber in the forest reserves at the same rate we taxed private timber, we would have received between five and seven million dollars a year.

That is what it has been costing the State of Washington to have conservation in regard to the forests. We have in the States of Washington and Oregon a domain half as large as the German Empire, upon which a man is not even permitted to cut a fishing pole without first going down to Portland, Oreg., 200 miles away, to get the permit of some gentleman who has been appointed by the bureau to preside over that great domain, he having more absolute authority than did the German Kaiser over his Empire before this war commenced.

I have been trying to get the Forest Service to sell some of this timber, and they tell me that they are making progress, and they are very proud of the results that they have had during the last year. During the last year they have done better than ever before; they are making progress; and if they continue at the present rate, if they continue doing as well in the future as they have done in the last year, they will cut once over the forests of Washington in a little more than 15,000 years. [Laughter.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LENROOT. Mr. Chairman, I shall take only a few minutes of the time remaining to this side. This is the last of the great conservation bills reported from the Committee on the Public Lands, and I believe at this time it is proper and just to say that too much credit can not be given to the chairman of the committee, the gentleman from Oklahoma [Mr. FERRIS], for the energy, the ability, and the tact which he has displayed in the handling of these bills, both in the committee and upon the floor of the House. [Applause.]

When this session of Congress opened the first great bill to be considered was one upon which the gentleman from Oklahoma and myself had very sharp differences of opinion, namely, the Alaska railway bill, which I considered a conservation measure; and in view of that fact I think that I ought to say that I believe conservation has had no better friend in this Congress upon these great measures that we have recently considered than the gentleman from Oklahoma. [Applause.]

Another matter of congratulation, Mr. Chairman, is the fact that in the consideration of these bills there has been no matter of party politics involved. Both in the committee and in the House the votes upon the bills already passed were practically unanimous, and the vote upon this bill will also be practically unanimous.

I regret to say that upon both sides of the aisle there are a few gentlemen, like my friend from Colorado [Mr. TAYLOR], on that side, and my friend from Washington [Mr. JOHNSON], on this side, who are absolutely unreconciled to any measure that will not turn over to the various States all of the public lands that are now contained in them. The gentleman from Colorado [Mr. TAYLOR] a few moments ago took the gentleman from Illinois [Mr. THOMSON] to task somewhat for assuming to discuss these measures because he had never visited a forest reserve and was not acquainted with conditions in the public-land States.

Mr. Chairman, it has been my privilege to visit the gentleman's State. It has been my privilege to ride horseback through many of the forest reserves there. It has been my privilege to visit mining towns of Colorado—mining towns where the Colorado Iron & Fuel Co. own the coal lands under private ownership, such as the gentleman would have all the remaining lands there placed under; and in those towns that I visited, Mr. Chairman, a citizen of Colorado or the United States could not buy a foot of land upon which to build a home. The Federal post office was upon the private land of the Colorado Iron & Fuel Co., and people had no right to visit the post office without trespassing upon those private lands. Would the gentleman prefer such a condition as that to the United States Government being the owner of the public lands and the Colorado Iron & Fuel Co. being a tenant, if you please, of the Government, and subject to such restrictions as the gentleman from Colorado himself would have an opportunity to participate in making?

More than that, much has been said concerning the matter of taxation and the denial to these States of taxes to which they are entitled. Again referring to the Colorado Iron & Fuel Co., they do pay some taxes, it is true, to the State

of Colorado upon their lands; but if those lands were under lease, the State of Colorado would receive under this bill one-half of the proceeds of those royalties, and in addition the State of Colorado could tax the output—every ton of coal mined by the Colorado Iron & Fuel Co.—in such sums as its legislature in its wisdom might choose to impose.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. Is the gentleman sure—quite sure—as a legal proposition that the State can tax the output of these leased mines?

Mr. LENROOT. I am absolutely certain.

Mr. MONDELL. Has the gentleman investigated that matter?

Mr. LENROOT. The gentleman has.

Mr. MONDELL. I would be glad if the gentleman would place in the Record any decisions which he thinks clearly demonstrate that that is the situation. It is a very important matter.

Mr. LENROOT. The gentleman can not place any decisions in the Record upon that subject, because it is so elementary that no lawyer would ever think of bringing an action in any court to test that question.

Mr. MONDELL. Will the gentleman yield for a further question?

Mr. LENROOT. Yes.

Mr. MONDELL. I will say that it is a matter of great interest to us, and I have inquired of a number of men who are said, at least, to be lawyers, they having practiced for many years before many of the courts, and a number of them have expressed grave doubts in the matter.

Mr. LENROOT. I will state to the gentleman the basis. When coal is separated from the public land it becomes personal property and it belongs to the lessee and is subject to taxation just the same as any other personal property.

Mr. MONDELL. I am glad to have the gentleman's opinion, and I hope the gentleman is right, because that is our only hope under this legislation.

Mr. LENROOT. Now, just one other observation, and then I shall conclude, Mr. Chairman. These gentlemen, particularly the gentleman from Colorado [Mr. TAYLOR], insist that we should give to these public-land States the absolute right to control these matters as they see fit. They say they can control them better than a bureaucracy, as they term it, away off here in Washington.

Mr. Chairman, within the last few months we have had a little demonstration of how successful Colorado has been in controlling coal lands under private ownership there. The State of Colorado has absolute power to control the situation with reference to the Colorado Iron & Fuel Co., but within the last three or four months, unable to control it, the State of Colorado called upon the United States Government to send United States troops into that State, and they were sent there.

Mr. COOPER. And they are there now.

Mr. LENROOT. And they are there to-day. They would not have been there if it had not been for the policy of putting these coal lands under private ownership. In that connection, Gov. Ammon, the governor of the gentleman's State of Colorado, testified before our committee that to-day one company in that State owns 80,000 acres of coal land. Would the gentleman give them the rest of it, and does the gentleman think that the people of Colorado or the people of the United States would be better off if they had it?

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. LENROOT. Yes.

Mr. TAYLOR of Colorado. If the gentleman will read the testimony, he will find that nearly all of that land came from Federal grants. It did not come from State grants.

Mr. LENROOT. It came from Federal grants, yes; granting to private owners the title to coal land, which we propose to do no longer. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

*Be it enacted, etc.,* That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, but excluding those in national parks, military or other reservations, wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development under the provisions of this act, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to those who have declared their intention to become such, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, or gas, to municipalities.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to offer at this point.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "forests" insert the words "and Indian reservations."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. STAFFORD. Some of us would like to discuss that amendment.

Mr. FOSTER. That is a very important amendment. We ought to have a little opportunity to discuss it.

Mr. STAFFORD. Especially with this large assemblage here, we ought to have plenty of time.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] desire to be heard on his amendment?

Mr. STEPHENS of Texas. I desire to speak on the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. STEPHENS of Texas. Mr. Chairman, there are in the United States many Indian reservations, some of which are known to contain valuable deposits of coal, phosphates, oil, gas, potassium, or sodium, and I desire that the Indian lands shall be disposed of and these valuable deposits used in the same way and under the same law and under the same administration as is provided for in this bill for the public domain.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. STAFFORD. The gentleman is recognized as an authority on matters pertaining to Indian affairs. I should like to ask the gentleman, as chairman of the Committee on Indian Affairs, whether the committee have taken any action on this proposition and have authorized him to report this amendment?

Mr. STEPHENS of Texas. A bill very similar to this passed a short time ago. I have not the bill before me. It passed the House and is now in the Senate. It is a bill relative to this same matter—

Mr. STAFFORD. Authorizing—

Mr. STEPHENS of Texas. Authorizing the Secretary of the Interior, under such rules and regulations as he may prescribe, to dispose of minerals on Indian reservations—unallotted lands.

Mr. STAFFORD. But under that bill the funds resulting from the use of those mineral lands on Indian reservations would go to the benefit of the Indians, but under the provision of this bill they would go to the benefit of the Reclamation Service and not to the benefit of the Indians.

Mr. STEPHENS of Texas. The gentleman is correct; but if the gentleman will permit me to explain further, I will read another amendment to follow this at the end of line 21 on page 23. That section provides how the royalties and rentals under this act shall be disposed of, and this amendment comes at the end of that section. That amendment is as follows:

*Provided, That the proceeds from the lease of any lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located and the proceeds derived from the lease of lands allotted to any Indian shall be paid to such Indian under such regulations as the Secretary of the Interior may prescribe.*

That amendment was drafted by the department, and is in harmony with the rest of the bill.

Mr. STAFFORD. You are adopting two different standards then for the use of the funds resulting from the exploitation of these mineral lands; one rule as to public lands in general and another rule for the Indian lands?

Mr. STEPHENS of Texas. That is correct. The gentleman understands that the Indians own those lands, and that they should have the proceeds.

Mr. STAFFORD. That is one reason why I strenuously opposed incorporating Indian reservations in the water-power bill that recently passed the House, because I regarded the water powers as belonging to the Indians and not to the general public.

Mr. STEPHENS of Texas. The gentleman's correct, and I hope there will be no objection to the amendment.

Mr. STAFFORD. There was objection to the policy.

Mr. FERRIS. Mr. Chairman, the committee has no objection to this amendment. It puts the matter into the hands of the Secretary of the Interior, to be subject to such rules and regulations as he may prescribe. The gentleman intends to offer a further amendment, giving the proceeds to the Indians, and I think no one should object to that.

Mr. MONDELL. Mr. Chairman, I desire to be heard in opposition to the amendment of the gentleman from Texas.



Mr. FERRIS. I ask unanimous consent to close debate at the end of 10 minutes.

Mr. STAFFORD. I shall have to object to that.

Mr. FERRIS. How much time does the gentleman want?

Mr. STAFFORD. I do not think it advisable to close debate now.

Mr. FERRIS. How much time does the gentleman want?

Mr. STAFFORD. There are gentlemen who will want to occupy about 25 minutes.

Mr. JOHNSON of Washington. I have the largest Indian reservation and the largest forest reserve with oil on them, and I think I ought to have a little time.

Mr. FERRIS. I ask unanimous consent that at the expiration of 30 minutes debate shall close on this amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment close in 30 minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, I am going to object unless you allow the other side to have all of the 30 minutes. They have been in the habit of getting all the time, and unless we give it all to them I shall object.

Mr. STAFFORD. There was no limitation as to who should use the time.

Mr. DONOVAN. There is so much partiality shown here that I am going to insist on the time being entirely given to that side. They have had three-quarters of the time on every matter that came up here. If you will examine the CONGRESSIONAL RECORD, you will see that they have had more than three-quarters of the time.

Mr. MONDELL. That is because they know something about the subject.

Mr. FERRIS. I am willing to yield to them as long as they tell us anything.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, Mr. Chairman, is the other side going to have all this 30 minutes? Is the chairman willing to agree to that?

Mr. RAKER. The amendment will be adopted anyway, so what is the use?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, the Chinese going from Connecticut having ceased its clamor, I will proceed.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the rule the remarks or speech, or whatever you have a mind to call it, must be confined to the subject matter. The gentleman from Washington is out of order.

The CHAIRMAN. The gentleman from Washington will proceed in order.

Mr. DONOVAN. I do not mind if he wishes to digress if I can have the same amount of time. I will divide the time with him.

Mr. HUMPHREY of Washington. The gentleman is very kind to give us all the time and then use it up himself. Mr. Chairman, what I desired to speak about was in regard to the statement made by the gentleman from Wisconsin [Mr. LENROOT]. I thought I was going to be recognized to follow him. The gentleman took occasion to criticize the State of Colorado, and pointed to that situation as an illustration of how much better Government control would be for the western country. I am not going to defend Colorado, for that State has Representatives on the floor able to do that. I could not help but think of some things the Government has done with the public lands. I will give gentlemen an illustration in my own State. The Northern Pacific Railroad owned about 450,000 acres of barren mountain tops covered with snow and ice in my State. A Government bureau discovered that fact, and these 450,000 acres were placed in a forest reserve, and then the railroad selected, acre for acre, for these barren mountain tops 450,000 acres containing some of the best timberland in the country, worth, some of it, \$200 an acre.

Mr. LEVER. Will the gentleman state when that was?

Mr. HUMPHREY of Washington. It was soon after Gifford Pinchot went into the Government service. That 450,000 acres that was practically given to the railroad for nothing was then sold, in a large part, to the Weyerhaeusers for the sum of something like \$2.50 an acre and constituted the foundation of their great holdings in the West. You can trace it back to the Government bureau.

Then down in California there was a private company that had 65,000 acres of land which they wanted to exchange for

public lands. So this same plan was gone through with. They came down here, saw a certain official, and had it placed in a forest reserve. Then the Government bureau assisted them, and Gifford Pinchot wrote a letter recommending that they be permitted to take 65,000 acres, to select it anywhere in the public domain outside of timberland, and it was done, and they got land worth \$5 to \$25 an acre in exchange for land that was worth 25 cents an acre.

That is the way the Government has been running the public-land business for the benefit of the people. Then down in Arizona the Santa Fe Railroad had 1,200,000 acres of land, inhabited by coyotes and horned toads, worth, according to their own estimate, 10 to 15 cents an acre. A Government bureau discovered that fact. Paul Morton at that time was influential not only in railroad but in Government circles. The Government bureau recommended that that worthless land be placed in a forest reserve. It was done, and immediately thereafter a Government bureau recommended that the railroad be permitted to select 1,200,000 acres of land anywhere in the public domain for that worthless land, and it was done; they got 52,000 acres in my State that I have been able to trace, and it is worth to-day ten times as much as the whole 1,200,000 acres of land that went into the forest reserve. On some of it the Bureau of Corporations says the timber alone is worth more than \$200 an acre. That is the way the bureau conserved the public land for the benefit of the people.

Mr. LENROOT. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. LENROOT. Can the gentleman point to anything of that kind that has been done from the time Mr. Fisher entered Mr. Taft's Cabinet down to the present time?

Mr. HUMPHREY of Washington. No; because it was almost all gone at that time. However, I have been told that similar transactions did take place under Secretary Fisher; that this lieu-land selection continued and is being carried on to this day. Again I call attention to the fact that under Mr. Gifford Pinchot, after he became head of the Forestry Service, the Northern Pacific Railroad had 240,000 acres in Montana worth comparatively little, having but little timber upon it. But Mr. Pinchot recommended that that worthless land be included in certain forest reserves—the same old plan. After that Mr. Pinchot recommended that the railroad be permitted to have 240,000 acres in exchange, the best land in the West, and they got it. Mr. Pinchot recommended this exchange in spite of the protest of a very able Member of this House. If the gentleman can point out any more infamous steal of the public domain that has taken place under the control of these bureaus, he will be performing a great public duty. I want him to stand up and defend those infamous transactions. How did it happen that this gigantic steal of millions of acres took place and was never discovered by these great friends of the people? Where were they? Why did they not protest?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MONDELL. Mr. Chairman—

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to ask the gentleman from Washington whether he has kept track of the proceedings in putting all the worthless land in forest reserves in the Appalachian and White Mountain Ranges?

Mr. HUMPHREY of Washington. I want to say that I have been told by one of the chief officers in the Interior Department within the last few weeks that this exchange of railroad lands in forest reserves for better land outside is going on now. I tried to get some investigation to find out whether it was true or not, but you can not investigate anything in relation to a forest reserve in this Congress. Conservation is sacred. Any frauds committed in that Poly name is good and righteous altogether.

Mr. TAYLOR of Colorado. Has the gentleman introduced one?

Mr. HUMPHREY of Washington. I have.

Mr. LEVER. I think the gentleman had a resolution passed through here investigating the very transactions that he is talking about.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken. The transaction that he is talking about is the publicity bureau.

Mr. TAYLOR of Colorado. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Colorado?

Mr. MONDELL. Oh, I did not understand that all of this was out of my time.

The CHAIRMAN. Oh, yes. The time of the gentleman from Washington expired some time ago.

Mr. MONDELL. Mr. Chairman, I do not believe when the chairman of this committee comes to think about it that he will want to accept this amendment. This bill was drafted with regard to the public lands, with no reference whatever to any Indian reservations. There is nothing in it that was drafted to fit the peculiar conditions surrounding Indian lands. For instance, in the matter of leases the Secretary is to advertise. He is to grant leases under advertisements. The Secretary should, in all Indian leases, take into consideration the views and desires of the Indians. This would give authority to ignore them. Further than that, there is a provision in the bill with regard to extra lands outside of the leased land. The Congress does not want to make that kind of a provision with regard to Indian reservations. There is a provision in the bill for rights of way outside and across leased lands. It is questionable whether we should give the Secretary that sort of authority over an Indian reservation.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Did not the Supreme Court decide in the Lone Wolf case two years ago that Congress had full control over these Indian matters; that they were the wards of the Government, and that the act of Congress was final?

Mr. MONDELL. I am not denying the control of Congress; but when one of the committees of Congress draws a bill of 32 sections applying to the public land, with no thought of an Indian reservation, taking into consideration the wide differences in our treaties with reference to those reservations, and after it is all done an amendment applying it to Indian reservations, without examining the effect of the other provisions of the bill upon the Indians, I do not think we are doing the wise thing to adopt it; nor is there any necessity for it.

I know of no Indian reservation where there is any necessity for leasing coal, where there is not already a legislative provision for leasing the coal at this time, and quite sufficient legislative provision. If the gentleman's committee next winter, after carefully considering the matter, concludes that it should draft a bill bringing Indian reservations under this act, and the committee reports such a bill, I am sure that I shall be very glad to follow the committee. I have in mind quite a number of provisions of this bill which would not work well, would not be practicable as applied to Indian lands, and that are entirely proper so far as the general public domain is concerned. This is a bill covering quite enough territory, and with quite enough problems in it, when you apply it to the sixty-five millions, it is estimated, of coal area of the country, without applying it to reservations.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Does the gentleman think that under the proposed amendment of the gentleman from Texas it would apply to any Indian land at all?

Mr. MONDELL. I could not hear it. I assumed that the gentleman's amendment would have the effect that he intended.

Mr. LENROOT. I think it falls in that purpose.

Mr. MONDELL. Of course, if it would not have such effect it is entirely harmless.

Mr. NORTON. Mr. Chairman, I trust that this amendment will prevail. There is no good reason why, if the provisions of this bill for the leasing of coal, phosphate, oil, gas, potassium, and sodium lands are good for the best interest of our general population and good for the highest interests of the General Government, they are not equally good for the best interest of the Indians. To-day in my State, as well as in many of the Western States, there is a great deal of land owned by Indians containing deposits of minerals, the leasing of which is provided for in this act, and there is every good reason why there should be legislation enacted now for the leasing of these lands owned by the Indians. There is in my State, as well as in other Western States, to-day a general demand on the part of Indian citizens that a leasing system for their coal and mineral lands be provided, that they may have the revenues derived from this leasing, and that their coal and mineral lands be no longer kept from use. The objections that the gentleman from Wyoming makes to the proposed amendment, and the effect it may have upon this legislation and upon the interest of Indians in these minerals are, I believe, more suppositive and imaginary than real and should not be taken seriously.

Mr. STAFFORD. Mr. Chairman, when it was sought, in the consideration of the water-power bill, to include Indian reservations, I opposed the proposal because the bill was not intended, as recommended by the committee, to include water power on Indian reservations, nor was the bill under considera-

tion, relating to coal and other mineral deposits on the public land, intended to cover those deposits on Indian reservations. I am one who believes that these mineral deposits and water powers on Indian reservations should be conserved for the benefit of the Indians. Those deposits are not the property of the United States. They are held in trust by the United States for the benefit of the Indian; and yet this amendment proposes to open up all those deposits, you might say, ruthlessly, certainly immediately, for the benefit of the public generally. We have been going very fast in the exploitation of Indian lands. It is natural for Members coming from States that have Indian reservations to advocate the policy of the exploitation of the deposits and water power on the Indian reservations, but I think the policy which we have pursued in the past shows us that we should go slowly in appropriating everything, certainly these valuable deposits, that belong to the Indians. They and they alone should determine what policy should be followed as to their exploitation; and the chairman of the Indian Committee admits that his committee has not taken steps toward formulating any policy of developing these deposits.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KEATING. Does the gentleman mean to suggest when he says that the Indians and the Indians alone should determine these matters, that Uncle Sam should call the Indians into a solemn conclave and let them determine?

Mr. STAFFORD. Oh, no. My statement may have been a little too broad, but I meant that the Indians' interest and their interest alone should be considered, and that they have a right to be consulted. They are our wards—

Mr. KEATING. But who is to determine what is the interest of the Indians unless it be the Congress of the United States and the Committee on Indian Affairs?

Mr. STAFFORD. The Congress, after consultation with the Indians themselves. Our governmental policy, so far as the Indians are concerned, has been too little consideration of the welfare of the Indians and mostly the benefit of the white man.

Mr. NORTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. NORTON. I desire to get clear the gentleman's position. When the gentleman speaks of consulting with the Indians, is it the theory of the gentleman that the United States commissioner should go and meet with the Indians on the theory that the Indians are capable of determining what they want to do with their own resources?

Mr. STAFFORD. Many of the Indians, as I have been told by their representatives, are fully capable.

Mr. NORTON. Is that the gentleman's idea?

Mr. STAFFORD. That is my idea, that they should be consulted. Then, after considering their wishes, the Indian Commissioner will determine what the policy should be. But here you are mixing up in a hodgepodge the policy of the Indians and the Indian reservations with the general policy that should pertain to the leasing of mineral deposits on the public domain.

Mr. NORTON. Will the gentleman yield further?

Mr. STAFFORD. I will.

Mr. NORTON. I quite agree with the gentleman that the interest of the Indians should be the first to be considered. That is my own view. But will the gentleman point out, if this amendment is adopted, one single case where the interest of the Indians would not be observed, conserved, and safeguarded by this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I regret my time has expired so that I can not point that out.

Mr. FERRIS. Mr. Chairman, I have not uttered a word in general debate, but I do not want the committee to conclude that, because most all of the gentlemen here have risen in some sort of protest or other, this bill is without merit and without friends. On the contrary, I think that the bill accomplishes what ought to be done, and I believe a great majority of the House, the Congress, and the country so believe. The gentleman from Washington [Mr. HUMPHREY] makes some serious charges against the Forest Service of the past and makes some charges I think ought to be investigated. I have been a member of the Committee on Public Lands for eight years, and no such charge has even been filed with that committee, and no such charge was ever sought to be substantiated.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. I would like to proceed for just a minute.

Mr. HUMPHREY of Washington. I wanted to say to the gentleman that I have made this statement on the floor of this House repeatedly. I have made it three or four different times, and no man so far has denied it. I filed a resolution here asking to have an investigation, which is now before the Committee



on Agriculture, and I will file one, if the gentleman can get it before his committee, immediately if he will take it up.

Mr. LEVER. If the gentleman will permit—

Mr. FERRIS. Not at this moment; I desire to proceed. While I do not pretend to be the defender in this House of any governmental service either of the present administration or the preceding Republican administration, I think in justice and in fairness Members of Congress ought to be fairly careful about uttering wholesale indictments against men who have intended and do intend to do their full duty.

If the gentleman had stated that some preceding Secretary or some preceding Chief Forester had withdrawn more land than should have been withdrawn in his State according to the taxable areas, I think the statement may have been a just one, because I know in the West, where most of the land is off the tax rolls, it is quite burdensome on the land which is taxable to carry it. To say that ex-Chief Forester Pinchot or ex-Secretary Fisher did something whereby Government property was destroyed or got nothing in return is a statement I think ought to be substantiated and ought to be borne out or proven by some one. I believe it is the simple duty of the gentleman from Washington to go before the Department of Justice and lay that case before them and see that any wrongdoers, if there be any, be prosecuted to the limit.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. Let me proceed for just a moment. I will not misquote the gentleman nor be unfair with him. I repeat, I am not a defender of the preceding Republican administrations, and I do not so pose, but I do believe in justice here as elsewhere. I am trying to do all that I think ought to be done in getting this bill through, and I am proud that the committee and the House have been so generous toward us on the bills already passed. It makes my heart ache just a little to see any Member of Congress on either side of the aisle belonging to any political party attack a man who can not come here and defend himself. It is not the thing to do, I think. [Applause.] It is too much. There are men in this House and out of this House who do not believe there ought to be any forest reserves at all and the whole business ought to be torn up and broken up. I do not agree with those maintaining that view. I do not think the House agrees with any such course as that; I do not think the Congress agrees with such a theory as that; and I do not think the people of this country, 100,000,000 in number, would agree to any such procedure as that.

I think the gentleman from Washington, if his State has been abused by excessive withdrawals that are burdensome and heavy for his State to bear, ought to go to the administrative officer who has that in charge and say to him that all of that forest should be eliminated where there is no timber and no chance of securing timber; and I think if any such wholesale crimes as those referred to have been perpetrated upon the people out there, he ought to take them before the Department of Justice and ask the Department of Justice to prosecute, and ask a Federal grand jury to indict, and see if he can make good his charges. An investigation would prove what was done and let the chips fall where they may. Personally, I do not think ex-Secretary Fisher or Gifford Pinchot are or have been corrupt. I do not think an investigation will show it, either.

Now, one word about the amendment. The gentleman from Texas [Mr. STEPHENS] wants to put into this bill what the committee really intended to do at the start, and that is to let the Indian reserves be developed along with the public lands. You will remember that the House took decisive action on that question in the water-power bill. I think the gentleman from Minnesota [Mr. MILLER] thought he had objections to it, but it was allowed to go in. The gentleman from Texas has in his hand a letter from the department approving what he seeks to do. It ought to be done.

These idle reservations of the Indians where they have coal, where they have oil, where they have gas, where they have phosphates, and where they have sodium or potassium ought to be opened up to development, and the proceeds or the royalties ought to go to the Indians. I understand the gentleman from Texas will offer another amendment later giving the royalty to the Indians that is derived from the Indian land.

My thought is that the amendment ought to be adopted. The Indian Service costs seven or eight million dollars a year to run it, and if we can get anything out of their coal royalties, if we can get anything out of their oil royalties, or their phosphate royalties, or their sodium royalties, or potassium, which is salt, we ought to do it, and we ought to make the Indian reservations and the Indian citizens as nearly self-supporting as we can.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. LEVER. Mr. Chairman, I have listened from time to time to the attacks of the gentleman from Washington [Mr. HUMPHREY] upon Mr. Gifford Pinchot. I hope and believe that the gentleman's statements regarding Mr. Gifford Pinchot are unwarranted by the facts.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Washington?

Mr. LEVER. Yes.

Mr. HUMPHREY of Washington. I will ask the gentleman if he does not think I stated the truth when I said I read a letter from Mr. Gifford Pinchot urging that the transfer I referred to be made?

Mr. LEVER. I say that I hope the gentleman's statements are unwarranted by the facts. Mr. Gifford Pinchot has been appearing before our committee since I have been connected with it, for seven or eight years. He has made his statements frankly to the committee. Under his leadership he has built up a wonderful service. He has been trying, as I know and as every member of the Committee on Agriculture knows, to protect the public domain against land grabbing in the West. [Applause.] Hence he has brought down upon his head the opposition of the gentleman from Washington [Mr. HUMPHREY] and other men who think like him. I would feel myself to be unworthy of myself if I sat here and listened to the gentleman from Washington day after day attacking a man whose character I believe is above question, if I did not testify to my faith in the integrity of that man. [Applause.]

I am standing here this evening to do that. I know nothing of the facts stated by the gentleman from Washington. If he will call his resolution to my attention, I believe I can promise for my committee now, without having consulted its membership, that the committee will very promptly consider his resolution and, if we believe it to have any merit in it, will report it out, so that the facts can be known. But I am a little tired, I am a little weary of hearing men standing on the floor of this House and hitting public officials, who can not reply, as to their public and official acts. I believe Gifford Pinchot is not only an honest man, but I believe he made for this country a splendid public official, and I am glad to pay that tribute to him. [Applause.] If the statements of the gentleman from Washington are true, it is not a case for a congressional investigation, but it is a matter for a judicial inquiry, and he ought to lay his facts not in the shape of a resolution before Congress—which he has not pressed—but he ought to lay them before the Department of Justice and let the Department of Justice take such action as is warranted by the facts. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, I must say that I am somewhat gratified that I have at last succeeded in getting my distinguished friend from South Carolina [Mr. LEVER] to pay some attention to these statements that I have made on the floor of the House. It also seems to be somewhat of a surprise to my distinguished friend from Oklahoma [Mr. FERRIS]. There is no question about the facts. I do not know anybody who has even attempted to investigate the matter—

Mr. FERRIS. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREY of Washington. I will yield in just a moment. I do not know anybody who has investigated the matter who does not know that the statements I have made are correct. There is no question about the steal having taken place. There is no question about the railroads now having the land. There is no question as to the value of the land exchanged. There is some question as to who is responsible. Of course everyone now denies that he is to blame.

Now I yield to the gentleman from Oklahoma.

Mr. FERRIS. I thought the gentleman was undertaking to chastise me for entertaining a momentary surprise. I want to say that I have been a member of the Committee on Public Lands for eight years, some of that time under the chairmanship of the gentleman from Wyoming [Mr. MONDELL] and a couple of years as chairman myself, and the gentleman from Washington [Mr. HUMPHREY] has never darkened the doors of our committee with his person, although Gifford Pinchot has appeared before our committee several times and so has Secretary Fisher; but the gentleman from Washington has never appeared there.

Mr. HUMPHREY of Washington. I have never appeared there because it was not my business to appear there.

Mr. FERRIS. It was the gentleman's business to appear there and attempt to right a wrong if he thought a wrong had been committed and he was acquainted with the facts.

Mr. HUMPHREY of Washington. It was not the proper committee. Of course the gentleman will understand that the Committee on the Public Lands is not the place in which to right a wrong.

Now, I have heretofore enumerated these various exchanges of land so often that I would prefer not to go over them again now, but I will do so for the benefit of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Oklahoma [Mr. FERRIS] and others who may think with them that there is some question as to the matter. The first exchange was that of 450,000 acres of land in the State of Washington, certain barren mountain tops belonged to the Northern Pacific Railroad. Then a forest reserve was created, taking in most of this land. Some of it was in Mount Rainier Park. Then an exchange was made of this worthless land for timbered land outside.

Mr. LENROOT. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Wisconsin?

Mr. HUMPHREY of Washington. I will yield to the gentleman in a moment.

Mr. FOSTER. Would the gentleman mind giving us the date?

Mr. HUMPHREY of Washington. If the gentleman will wait just a minute. I have all the dates in a speech that I made here, and which I circulated, and if the gentleman desires I will give him a full statement of those transactions.

That same process took place elsewhere. The next case was that of the Santa Fe Railroad. I am only speaking in round numbers now, and I do not claim to have found all the cases. I may have missed some, but the ones I speak of are those that I have found. The next, I say, was the case of the Santa Fe Railroad. They had 1,200,000 acres of land. They gave it in for taxation as being worth from 5 to 20 cents an acre. Forest reserves were created, including these 1,200,000 acres. It was not all in one. After that area was included in forest reserves the land was exchanged, acre for acre, for public lands elsewhere in the public domain. My recollection is that there was an exception of a few thousand acres. The rest of it they could select anywhere. There was an exception made—that a part they had to select in a certain locality—but for more than a million acres of that land they were permitted to select the best of the public domain everywhere. My recollection is that they made selections in 33 different States.

Mr. SHERWOOD. What was the date of that transaction?

Mr. HUMPHREY of Washington. I will answer the gentleman's question in just a moment. The next transaction that I recall was the one that I referred to—of that water company down in the State of California. I have forgotten the name of it. If I had known this discussion was coming up, I would have had all the data here. In that case Mr. Pinchot, who was then connected with the Forest Service, visited that city—I think it was San Diego; anyway, it was a California town. After looking the land over he recommended that the exchange be made. His letter is on file. It has been printed. Anybody can see it. I put it in the RECORD once. Upon that recommendation the exchange was made.

The Commissioner of the General Land Office at that time protested against this exchange being made. He said that it was unfair to the Government, that the land was worth only 25 cents an acre, and that the exchange ought not to take place, or that if it did it ought to be on the basis of value. But the exchange did take place after Mr. Pinchot had made his visit. The Commissioner of the General Land Office protested against these exchanges in regard to the Santa Fe Railroad. There is no mystery about it. It is all a matter of public record, and you will see that the Commissioner of the General Land Office protested. He called attention to the fact that it would be a fraud upon the Government, and that this worthless land ought not to be exchanged for more valuable land, and the thing hung fire for some time, but finally it was consummated.

Then the next one was the one that occurred in Montana, to which I have referred, of 240,000 acres to the Northern Pacific Railroad. I am not able to give the exact dates of these transactions from memory, but I do know that they all occurred between 1898, the time when Mr. Pinchot went into office, and the time when he went out. He went into office on the 21st of June, 1898, and in 1905 the bureau was transferred to the

Agricultural Department, and he became the head of it, and he remained there until he was removed by President Taft.

All these exchanges, giving the railroads more than 2,000,000 acres of land for practically nothing, this greatest looting of the public domain in our history, all took place while Mr. Pinchot was in the public service, and when he was either Chief of the Division of Forestry in the Agricultural Department—he was appointed to that position June 21, 1898—or when he was Chief Forester of the Forestry Bureau, this bureau being created in 1905. So, when all these transactions took place, it was his special duty to save the public domain for the people, and he was so watchful of their interest that up to date the railroads are known to have stolen only a little over 2,000,000 acres, without a word of protest from this faithful guardian of the public. What was he doing when these transactions took place? Will some of his friends please inform the public? I have reason to believe that Mr. Pinchot was present at the conferences and protests in regard to those transactions—that he knew all about them and approved them all. I do not believe that President Roosevelt would have signed the necessary proclamation placing this land in forest reserves for this purpose of exchange if Mr. Pinchot had not recommended it. I do not believe that the American people will believe that President Roosevelt would have consented to these transactions without Mr. Pinchot's approval.

It is no answer for gentlemen to arise on the floor and say they think Mr. Pinchot is honest. That is no answer. I never said he was dishonest, but would certainly say it if I thought so. But I agree with President Wilson, that the most dangerous man in the world to the public is the honest but mistaken fanatic that believes he has a mission to reform something. Mr. Pinchot admits that these transactions took place; that he knew about them he does not deny; that he protested against them the record does not show. On the part of Mr. Pinchot I think it was ignorance; on the part of the railroads a deliberate steal.

But the point is, why should we be forever told that we must follow the teaching of the man, that while preaching conservation of the forests, while it was his special duty to protect them, either ignorantly or worse, permitted a looting of the public domain by the railroads of more than 2,000,000 acres of the best timbered land in the Republic, at least without one word of protest, and probably with his active assistance? To shout that Mr. Pinchot is honest does not lessen the steal by a single acre nor return to the robbed people a single tree.

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects. The question is on the amendment of the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Chairman, I desire to send up another amendment in lieu of the one I offered.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to offer an amendment in lieu of the one he offered first. Is there objection?

Mr. MANN. Reserving the right to object, as debate is closed, we should like to know what the amendment is first.

The CHAIRMAN. The Clerk will report the amendment.

Mr. STEPHENS of Texas. I simply put in the word "unalotted."

Mr. MANN. If it is substantially the same amendment, I do not care.

Mr. STEPHENS of Texas. It is to perfect the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, in view of the attitude of my friend from Connecticut [Mr. DONOVAN], I am going to make the point of no quorum present. If we have come to the place where no man can have five minutes without asking the consent of the gentleman from Connecticut, let us have a quorum present.

Mr. FERRIS. I hope the gentleman will not insist upon that.

Mr. HUMPHREY of Washington. If it will inconvenience the gentleman, I will withdraw it; but I think it is very inconsiderate of the gentleman from Connecticut.

Mr. FERRIS. The gentleman will have his opportunity to get in a little later.

Mr. MADDEN. Mr. Chairman, I renew the point of no quorum present.

The CHAIRMAN. The gentleman from Illinois renews the point of no quorum. The Chair will count.

Mr. FERRIS. If the gentleman will withdraw his point, let us run 30 minutes and then adjourn.

Mr. MADDEN. Mr. Chairman, the gentleman from Oklahoma says he is willing to adjourn in half an hour, so I withdraw the point of no quorum.



The CHAIRMAN. The gentleman from Illinois withdraws the point of no quorum. The Clerk will read the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 1, line 5, after the word "forests," insert the words "and unallotted lands in Indian reservations."

The CHAIRMAN. Is there objection to substituting this amendment for the one originally offered?

There was no objection.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:

Page 1, line 11, strike out the words "or to those who have declared their intention to become such," and the comma after "such," line 1, page 2.

Mr. RAKER. Mr. Chairman, this is simply to make the bill conform to the water power bill and the Alaskan coal bill, and it has been taken up with the members of the committee. I think there will be no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to amend, page 1, by striking out on line 6 all after the word "reservation," all of lines 7, 8, and 9 down to the word "act."

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the following language:

"Wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development under the provisions of this act."

Mr. MONDELL. Mr. Chairman, the act as it now stands, with this language in it, excludes national parks, military and other reservations wherever the leasing provided for shall be held, in the opinion of the Secretary of the Interior, to be harmful. That is it in effect. In other words, it excludes and then includes. It leaves it to the Secretary of the Interior to say whether coal shall be mined on a military reservation, within a national park, or elsewhere. If my amendment is adopted, the bill will apply to the public lands of the United States and the national forests and not to the national parks or to any other reservations.

This bill certainly ought not to apply to the national parks under any circumstances. It ought not to apply to military reservations. It ought not to apply to any of the special reservations which have been made. And if it were to apply to such, the application should not be within the judgment of the Secretary of the Interior. The Secretary of the Interior is not the man to say whether a coal mine or a phosphate mine should be opened on a military reservation. If anyone is qualified to determine that, it is the Secretary of War.

So that the language, even if it remains in the bill, should be modified. But, in my opinion, this bill should apply only to the public domain and to the national forests. There should be no power anywhere on the part of the Secretary of War or any other person to apply it to the Yellowstone Park or the Yosemite Park or any other national parks or national monument or other special reservations.

Mr. FERRIS. Mr. Chairman, I do not think the amendment of the gentleman from Wyoming ought to be adopted. It is true the House, when the water-power bill and the Alaskan coal bill were up, did strike out the words "other reservations," fearful that it might include something that ought not to be included. But it seems to me that the gentleman wants to strike out the sole protection there is in the proposition, so that they would have to lease—

Mr. MONDELL. Oh, no; if my amendment is agreed to there will be an absolute prohibition as regard the national parks and other reservations.

Mr. MANN. The gentleman from Oklahoma will see that this is precisely what we did in the water-power bill.

Mr. FERRIS. I did not follow the amendment very closely. Is the gentleman from Illinois correct about that?

Mr. MANN. Yes. We struck out the military reservations and then struck out other reservations, and then we struck out the national parks.

Mr. JOHNSON of Washington. But we included two national monuments.

Mr. MANN. We did, but we cut out this language, and even in that case it provided that it should not be occupied except by the consent of the head of the department. This would leave the Secretary of the Interior to determine whether you

could enter a military reservation, and while he would not probably determine that without the consent of the War Department, I think we are going far enough in the bill without putting these reserves under the leasing system at present.

Mr. FERRIS. I confess I think the discretion as to whether a reservation should be used should be left to the particular officer in charge of it, and we did that in the water-power bill. A moment ago we accepted an amendment offered by the gentleman from Texas [Mr. STEPHENS].

Mr. MANN. This would not interfere with that.

Mr. FERRIS. Where does the amendment offered by the gentleman from Texas go in?

Mr. MANN. Right after the words "other reservations."

Mr. FERRIS. Mr. Chairman, I think I have no objection to it.

Mr. LENROOT. Mr. Chairman, I want a little information. In the Middle West considerable areas were reserved for reservoir purposes. I want to inquire if there were any such reservations in the Middle West, if they would come under the term "other reservations"?

Mr. FERRIS. Yes. I think what brought about the debate on that in the other bill was that the gentleman from North Carolina [Mr. PAGE] offered an amendment eliminating national monuments, and after considerable debate his amendment was agreed to. I opposed it because in the West they withdraw large tracts of land, more often withdrawn because it has a spring or some big tree on some corner of it. I thought it would be erroneous to allow such tracts to lie in idleness and not be used for the coal and oil they might contain. Personally I feel so now, but I am not insistent about it. I did think that national parks should be excluded. I did not think national monuments should be. It was called to the attention of the House that this might include military reservations, lighthouse reservations, and so forth, that no one would want included, and rather than take the chance of doing something that no one intended to do, the House did adopt an amendment striking out the words "all other reservations." So, in effect, the two preceding bills covered only the public land of 300,000,000 acres, and all the forest reserves of 165,000,000 acres, and the Indian reservations. The gentleman from Texas has just offered an amendment which adds Indian reservations to this bill. So my second thought is that the gentleman from Wyoming and the gentleman from Illinois are right, and that this language should go out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, just for the purpose of offering an amendment, I ask unanimous consent that the amendment just agreed to be again read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The Clerk again reported the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I would ask the chairman of the committee if these amendments will require the exemption of these two large national monuments?

Mr. FERRIS. I will state to the gentleman that they will exclude them.

Mr. JOHNSON of Washington. They exclude them without further amendment?

Mr. FERRIS. Yes.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word of the paragraph.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman has already spoken twice on this amendment, and under the rule he can not speak further.

The CHAIRMAN. The Chair thinks the gentleman from Washington is entitled to speak to his pro forma amendment.

Mr. DONOVAN. I think the Chair will find that after he has spoken once he can not extend his remarks by making a pro forma amendment under section 851 of the Manual.

Mr. MANN. Mr. Chairman, the gentleman from Connecticut is mistaken. A Member who has the floor under a pro forma amendment can not continue on the floor by making another pro forma amendment when he has exhausted his five minutes on the first amendment.

The CHAIRMAN. The Chair does not recall the particular rule referred to.

Mr. DONOVAN. Mr. Chairman, if it were proper to make this motion and address this assembly, there would be no limit to the talk. The purpose of the five-minute rule is to limit debate. There can be only two speeches upon one amendment—one for and one against.

The CHAIRMAN. The gentleman from Washington has not yet addressed the Chair on the pro forma amendment.

Mr. DONOVAN. He has talked on this particular section twice, and we have voted to limit debate to 30 minutes.

The CHAIRMAN. The Chair has a distinct recollection that the gentleman from Washington was discussing an amendment offered by the gentleman from Texas [Mr. STEPHENS], under the rule for 30 minutes of debate, and, so far as the Chair remembers, the gentleman from Washington has not moved to strike out the last word, nor made any other pro forma amendment.

Mr. DONOVAN. Mr. Chairman, I quote from the Manual:

The pro forma amendment to "strike out the last word" has long been used for the purpose of debate or explanation where an actual amendment is not contemplated; but a Member who has occupied five minutes on a pro forma amendment may not lengthen his time by making another pro forma amendment.

The gentleman has used 10 minutes and not a single thing in the 10 minutes has he spoken on the subject matter. He has violated the rules, to say nothing about the point of order. Now we will settle it, Mr. Chairman. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] Thirty-eight Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136 and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROTHERMEL, for two days, on account of sickness.

To Mr. FRENCH, at the request of Mr. SMITH of Idaho, for one day, on account of illness.

To Mr. FERGUSSON, for three days, on account of illness.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6398. An act to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws"; to the Committee on Banking and Currency.

#### LICENSED WAREHOUSES.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that, immediately after the reading of the Journal on Monday next, the bill (S. 6266) to license warehouses, and for other purposes, shall be taken up for consideration; that one hour shall be allowed for general debate, one half of the time to be controlled by myself and the other half by the gentleman from Iowa [Mr. HAUGEN]; and that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill under the five-minute rule.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that on Monday next, immediately after the reading of the Journal and clearing the Speaker's table, the bill S. 6266, regulating licensed warehouses, shall be taken up, that one hour shall be devoted to general debate, one-half to be controlled by himself and one-half by the gentleman from Iowa [Mr. HAUGEN], and that the House shall resolve itself into the Committee of the Whole House on the state of the Union to consider the bill. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

#### PROPOSED EMERGENCY TAX ON FREIGHT.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by reproducing an editorial in the New York World of to-day against the proposed tax on freight.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I think it would be well to wait until the bill is reported before we discuss the question of this tax.

Mr. GORDON. This is a very strong editorial.

Mr. GARNER. Mr. Speaker, I object.

#### ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned until Monday, September 14, 1914, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Labor, transmitting list of papers and material which are not needed or useful in the transaction of business of the department and have no permanent value or historical interest (H. Doc. No. 1163), was taken from the Speaker's table, referred to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 18732) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1152), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUPLEY: A bill (H. R. 18761) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 18762) for the erection of a public building at Franklin, Simpson County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. BARTON: A bill (H. R. 18763) to amend section 7 of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. ANTHONY: A bill (H. R. 18764) amending the interstate commerce act of February 4, 1887, and all acts amendatory thereto, and making natural and artificial gas transmitted from one State to another subject to the laws and regulations of the said State in which it is consumed; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 18765) relating to the drainage of Indian Lands; to the Committee on Indian Affairs.

By Mr. RAKER: A bill (H. R. 18766) providing for the suspension of the requirement of assessment work on mining claims for the year 1914; to the Committee on the Public Lands.

By Mr. TRIBBLE: A bill (H. R. 18767) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws" and to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act, approved August 4, 1914, by striking out in second paragraph of said act, line 3, the word "three" and inserting the word "one"; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18768) granting an increase of pension to John R. Shrewsbury; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 18769) granting a pension to Mary J. Cobler; to the Committee on Pensions.

Also, a bill (H. R. 18770) granting a pension to Carrie Russell; to the Committee on Pensions.

Also, a bill (H. R. 18771) granting a pension to Hannah Stoudnour; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 18772) granting an increase of pension to Rudolphus W. Gunter; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 18773) granting an increase of pension to William F. Thelen; to the Committee on Pensions.

Also, a bill (H. R. 18774) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.



By Mr. NELSON: A bill (H. R. 18775) granting a pension to the widow of William J. Mills; to the Committee on Invalid Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 18776) granting an increase of pension to David Kinzer; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 18777) granting a pension to Dudley C. Griswold; to the Committee on Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 18778) granting a pension to Robert Leigh Morris; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 18779) granting a pension to Allen Leed; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of Biersach & Niedermeyer Co., of Milwaukee, Wis., relative to contracts for Government buildings; to the Committee on Public Buildings and Grounds.

Also, petition of the German-Austrian Aid Society of Milwaukee, Wis., relative to neutrality of the United States in European war; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of sundry citizens of Norwalk, Conn., against increased tax on cigars; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Boston (Mass.) Central Labor Union, favoring Government ownership of coal mines; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of the Boston (Mass.) Central Labor Union, favoring Government ownership of coal mines; to the Committee on the Judiciary.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 18695, granting a pension to Duval Johnson; to the Committee on Invalid Pensions.

By Mr. GRAY: Petition of 43 citizens of Fairland, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of the mothers of Crystal, N. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of 42 citizens of Park City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petition of C. W. Collins, of Salt Lake City, Utah, against any function or agency of Government advancing the interest of any special school or systems of medicine; to the Committee on Education.

By Mr. O'SHAUNESSY: Petition of Musicians' Protective Union, Local 193, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence, R. I., against tax on rectified spirits; to the Committee on Ways and Means.

By Mr. POU: Petition of 36 citizens of North Carolina favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. RAINEY: Petition of 170 merchants of the twentieth Illinois district favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 51 citizens of Jacksonville, Ill., against further tax on cigars; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Resolutions of Rosecrans Camp, Sons of Veterans, of Los Angeles, Cal., 81 members, favoring civil-service pensions; to the Committee on Reform in the Civil Service.

Also, petition of Los Angeles Tent, No. 2, Maccabees of the World, 1,535 members, favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

Also, petition of Holy Cross Court, C. O. F., of Los Angeles, Cal., favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

Also, letter of John T. Donnell, Los Angeles, Cal., favoring the purchase of foreign ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Royal Arcanum, Los Angeles, Cal., 400 members, favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

By Mr. WATSON: Petition of sundry citizens of Amelia County, Va., favoring investigation of the Milliken bill relative to the establishment of a personal rural credit system; to the Committee on Banking and Currency.

#### SENATE.

MONDAY, September 14, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

Mr. SMOOT. Mr. President, when we took a recess Saturday evening it was impossible to get a quorum. Notwithstanding that, we did recess. Therefore, I suggest the absence of a quorum now, in order that we may proceed to business.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kenyon	Perkins	Smoot
Brady	Kern	Pomerene	Stone
Brandeggee	Lane	Ransdell	Swanson
Bryan	Lee, Tenn.	Reed	Thomas
Burton	Lee, Md.	Robinson	Thornton
Chamberlain	McCumber	Saulsbury	Vardaman
Chilton	Martin, Va.	Shafroth	Walsh
Clapp	Martine, N. J.	Sheppard	West
Clarke, Ark.	Myers	Simmons	White
Culberson	Nelson	Smith, Ia.	Williams
Gallinger	Overman	Smith, Mich.	
Hughes	Page	Smith, S. C.	

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to state that the junior Senator from Kentucky [Mr. CAMDEN] was obliged to return to his home, owing to illness in his family.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. PAGE. I desire to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. NORRIS responded to his name when called.

Mr. BORAH and Mr. HITCHCOCK entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senate will proceed with House bill 13511, the unfinished business.

#### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13511) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. RANDELL obtained the floor.

Mr. SWANSON. I hope the Senator from Louisiana will allow me to submit a report from the Committee on Naval Affairs.

Mr. SMOOT. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. RANDELL. There has been a great deal of prejudice and misconception, Mr. President and Senators, in regard to the pending river and harbor bill, and in my judgment most of it grew out of ignorance. Many people are misinformed in regard to this bill. They do not understand how river and harbor legislation is initiated and how it is carried out.

Mr. THORNTON. Mr. President, I ask for better order.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. RANDELL. I hope Senators will give me their attention. I wish to try to explain some of the intricacies of river and harbor legislation, and I should like to have Senators do me the courtesy to listen. Many Senators have been attempting to destroy this river and harbor bill and the system on which it is based. It is very easy to destroy and very hard to build up. Anyone can inflict a wound, but it requires a skilled surgeon to cure it, and it takes a long time. A little child 5 years